

IN THE MATTER OF

**Rodriques**

VS

**Delta Air Lines, Inc.**

Transcript of Deposition of  
**Barbara A. Franz**

Volume I  
On December 11, 2014

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*Reported by Joel P. Moyer*  
*Certified Court Reporter*

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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

JERRICK J. RODRIQUES,  
Plaintiff,

vs. CASE NO. 1:14-cv-12707-BAF-DRG

DELTA AIR LINES, INC.,  
Defendant.

- - -

Deposition of BARBARA A. FRANZ,

Taken by Felicia Duncan Brock,

Before Joel P. Moyer,  
Certified Court Reporter,

At the Offices of  
Delta Air Lines General Offices,  
Atlanta, Georgia,

On Thursday, December 10, 2014,  
Beginning at 8:53 a.m. & ending at 1:44 p.m.

- - -

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<p style="text-align: right;">7</p> <p>1 December 11, 2014</p> <p>2 8:53 a.m.</p> <p>3 (Whereupon the reporter provided a written</p> <p>4 disclosure to all counsel pursuant to</p> <p>5 Article 8.B. of the Rules and Regulations</p> <p>6 of the Board of Court Reporting.)</p> <p>7 BARBARA A. FRANZ,</p> <p>8 being first duly sworn, was examined and</p> <p>9 testified as follows:</p> <p>10 EXAMINATION</p> <p>11 BY MS. BROCK:</p> <p>12 Q Now, Ms. Franz, if you can begin by</p> <p>13 stating your name for the record, please.</p> <p>14 A Barbara Franz, F-R-A-N-Z.</p> <p>15 Q And I am Felicia Brock. I am the</p> <p>16 attorney for Jerrick Rodriques in an action</p> <p>17 that's been brought against Delta, and I'll be</p> <p>18 taking your deposition today. And for</p> <p>19 housekeeping purposes, today's deposition is</p> <p>20 being taken pursuant to notice and will be used</p> <p>21 for all reasons as allowable under the Federal</p> <p>22 Rules of Civil Procedure and the Federal Rules</p> <p>23 of Evidence.</p> <p>24 Ms. Franz, have you ever been</p> <p>25 deposed before?</p>	<p style="text-align: right;">9</p> <p>1 responses at some point is I will try to prompt</p> <p>2 you to get you to give a verbal response. So</p> <p>3 if I notice that you're nodding and the court</p> <p>4 reporter is not picking up your nod, I will say</p> <p>5 something like, okay, to get you to actually</p> <p>6 verbalize yes or no.</p> <p>7 A Understand.</p> <p>8 Q Thank you. Also, your counsel from</p> <p>9 time to time may help if I overlook or miss a</p> <p>10 nonverbal response because it's just as</p> <p>11 important to him that the record is accurate</p> <p>12 and that we're able to decipher what took place</p> <p>13 in the room when we see the record later.</p> <p>14 A Okay.</p> <p>15 Q Thank you. Although we are working</p> <p>16 towards making flights, this is not a marathon</p> <p>17 or a race. If at any point you need a break,</p> <p>18 please let me know. I want to keep you as</p> <p>19 comfortable as I can throughout this process.</p> <p>20 All I would ask is that if there's a question</p> <p>21 on the table that you answer the question prior</p> <p>22 to taking a break. And then that way we will</p> <p>23 be able to proceed as orderly as we can this</p> <p>24 morning.</p> <p>25 A Okay.</p>
<p style="text-align: right;">8</p> <p>1 A No, I have not.</p> <p>2 Q Very good. Just to let you know how</p> <p>3 things are going to go, I'm sure Attorney Tuyn</p> <p>4 has spoken with you a little bit about that, I</p> <p>5 am going to ask you a series of questions this</p> <p>6 morning. I just ask that you do your very best</p> <p>7 to answer those questions.</p> <p>8 As you do so, the court reporter</p> <p>9 will take down everything that you say,</p> <p>10 everything I say, everything that Attorney Tuyn</p> <p>11 says, and create a written record for us. And</p> <p>12 because he is creating a written record for us,</p> <p>13 it is very important that you give verbal</p> <p>14 responses.</p> <p>15 So you can't nod your head up and</p> <p>16 down and side to side. You have to say yes or</p> <p>17 no. I'll also ask that you stay away from</p> <p>18 sounds like uh-huh and huh-uh, because although</p> <p>19 we understand in the room what you mean, in a</p> <p>20 couple weeks when we see the transcript we will</p> <p>21 have no idea what your actual answer was to the</p> <p>22 question. Okay?</p> <p>23 A Okay.</p> <p>24 Q So one of the things I will do</p> <p>25 because most witnesses tend to give nonverbal</p>	<p style="text-align: right;">10</p> <p>1 Q Ms. Franz, what is your race?</p> <p>2 A I'm white.</p> <p>3 Q Ms. Franz, did you meet with your</p> <p>4 counsel prior to today's deposition?</p> <p>5 A Yes.</p> <p>6 Q And when did you meet with -- was it</p> <p>7 Attorney Tuyn?</p> <p>8 A Yes, as well as Kelly Giustina.</p> <p>9 Q And how long did you meet with the</p> <p>10 two of them?</p> <p>11 A About two-and-a-half hours.</p> <p>12 Q And when did you meet with them?</p> <p>13 A Yesterday.</p> <p>14 Q Ms. Franz, are you a high school</p> <p>15 graduate?</p> <p>16 A Yes.</p> <p>17 Q When did you graduate from high</p> <p>18 school?</p> <p>19 A 1997.</p> <p>20 Q I forgot to tell you that if I ask</p> <p>21 you a question that makes no sense at all to</p> <p>22 you, ask me to clarify it for you. Because</p> <p>23 recognize that I'm working here, and sometimes</p> <p>24 the way I'm thinking things in my head is not</p> <p>25 quite how it comes out of my mouth. Okay?</p>



<p style="text-align: right;">11</p> <p>1 So if you don't understand it, let</p> <p>2 me know. I will not take offense. But if you</p> <p>3 answer it, I'm going to presume you understood</p> <p>4 what I was asking you. Okay?</p> <p>5 A Yes.</p> <p>6 Q And what high school did you</p> <p>7 graduate from in '97?</p> <p>8 A Howell High School.</p> <p>9 Q Is that in Michigan?</p> <p>10 A Yes, it is.</p> <p>11 Q Did you pursue any post-high school</p> <p>12 education?</p> <p>13 A Yes.</p> <p>14 Q Where did you attend?</p> <p>15 A Grand Valley State.</p> <p>16 Q My daughter's at Saginaw Valley, so</p> <p>17 she wouldn't be happy to hear that.</p> <p>18 A As well as Eastern Michigan</p> <p>19 University.</p> <p>20 Q What years did you attend Grand</p> <p>21 Valley?</p> <p>22 A '97 to 2001.</p> <p>23 Q And what area of study were you</p> <p>24 pursuing?</p> <p>25 A It was a bachelor in business with</p>	<p style="text-align: right;">13</p> <p>1 Q And that was through SHRM?</p> <p>2 A Yes.</p> <p>3 (Whereupon Mr. Langel enters the</p> <p>4 deposition.)</p> <p>5 Q For the record, SHRM, acronym. So</p> <p>6 you had your PHR. Did you ever go for your</p> <p>7 SPHR?</p> <p>8 A I did not.</p> <p>9 Q And at this point, you have not</p> <p>10 maintained your PHR certification?</p> <p>11 A Unfortunately, it expired.</p> <p>12 Q I'm sure mine has as well. Did you</p> <p>13 take any special training courses in</p> <p>14 preparation for your PHR, or did you</p> <p>15 self-study?</p> <p>16 A I did take a three-day training</p> <p>17 through SHRM in Chicago.</p> <p>18 Q How long ago was that?</p> <p>19 A That would have been -- it's been a</p> <p>20 while. I would -- I would -- I don't want to</p> <p>21 guess. It's probably been at least five</p> <p>22 years. It's been quite some time.</p> <p>23 Q Did that three-day training through</p> <p>24 SHRM in Chicago contain training in how to</p> <p>25 conduct investigations?</p>
<p style="text-align: right;">12</p> <p>1 emphasis in HR.</p> <p>2 Q Did you graduate from Grand Valley?</p> <p>3 A Yes.</p> <p>4 Q Back during that '97-to-2001 time</p> <p>5 frame, did your course of study in human</p> <p>6 resources at Grand Valley include how to</p> <p>7 conduct investigations?</p> <p>8 A Oh, I don't recall.</p> <p>9 Q And then at some later point, you</p> <p>10 attended Eastern Michigan?</p> <p>11 A That's correct.</p> <p>12 Q What years were you at Eastern?</p> <p>13 A 2001 to 2003, I believe. It might</p> <p>14 be 2004.</p> <p>15 Q And what program were you in?</p> <p>16 A I received an MBA from Eastern.</p> <p>17 Q And what year did you graduate?</p> <p>18 A Either 2003 or 2004.</p> <p>19 Q Was your MBA degree focused in any</p> <p>20 way on human resource management?</p> <p>21 A It was not. It was a general</p> <p>22 business degree.</p> <p>23 Q Are you a certified human resource</p> <p>24 professional?</p> <p>25 A Used to be.</p>	<p style="text-align: right;">14</p> <p>1 A I don't believe so. It was more</p> <p>2 law-focused --</p> <p>3 Q That's what I thought.</p> <p>4 A -- process, yeah.</p> <p>5 Q I just wanted to ask. Outside of</p> <p>6 the training that you received for your PHR</p> <p>7 certification, have you had any other</p> <p>8 specialized human resource training?</p> <p>9 A When you say "specialized," can you</p> <p>10 elaborate on what you mean by that?</p> <p>11 Q Sure. Just training in HR, in</p> <p>12 HR-related subjects?</p> <p>13 A So I would receive that here at</p> <p>14 Delta, yes.</p> <p>15 Q Let's talk about the training that</p> <p>16 you've received here at Delta. First of all,</p> <p>17 when did you begin working for Delta?</p> <p>18 A Well, to be honest, I was actually</p> <p>19 Northwest, so kind of a tricky question. So I</p> <p>20 began in April of 2005. The merger took place</p> <p>21 in 2009. So technically, that's when I became</p> <p>22 Delta, if you will.</p> <p>23 Q So let's talk about from the merger</p> <p>24 forward --</p> <p>25 A Okay.</p>

<p style="text-align: right;">15</p> <p>1 Q -- as far as your training. Can you</p> <p>2 tell me about the human resource training</p> <p>3 you've received from 2009 forward?</p> <p>4 A So when I became Delta, we had an HR</p> <p>5 training. It was a two-day training to learn</p> <p>6 about how Delta handles HR issues. That would</p> <p>7 have included everything from the policy manual</p> <p>8 to leaves of absence to benefits, open</p> <p>9 enrollment, conducting investigations,</p> <p>10 basically a big-picture overview of everything</p> <p>11 that we do from an HR perspective.</p> <p>12 Following that, we have updated our</p> <p>13 training, if you will, since then. And I have</p> <p>14 received formal, specifically, investigation</p> <p>15 training, and that's facilitated by our law</p> <p>16 department as well as our equal opportunity</p> <p>17 department.</p> <p>18 Q When did you receive that specific</p> <p>19 investigation training?</p> <p>20 A I would say it was around about say</p> <p>21 March of 2010. That would have been when we</p> <p>22 merged our performance development process</p> <p>23 between Northwest and Delta.</p> <p>24 Q Has that investigation training been</p> <p>25 repeated for you since March of 2010?</p>	<p style="text-align: right;">17</p> <p>1 train the leaders to that level. They get a</p> <p>2 much higher level view of that.</p> <p>3 Q So is it safe to say the training</p> <p>4 that you would get as an HR professional is</p> <p>5 more in-depth than the training that the</p> <p>6 leaders are given on how to conduct those</p> <p>7 investigations?</p> <p>8 A Not in how to conduct it.</p> <p>9 Q Not the process?</p> <p>10 A Correct.</p> <p>11 Q But more in-depth as to the next</p> <p>12 levels of the investigation?</p> <p>13 A I wouldn't even say next levels. I</p> <p>14 would just say who would review it and/or who</p> <p>15 would be involved. But they're aware of that.</p> <p>16 It's just our -- we're the ones who have the</p> <p>17 contact information.</p> <p>18 MS. BROCK: We had an extra person</p> <p>19 join us. Who do we have?</p> <p>20 MS. GIUSTINA: This is Ryan Langel.</p> <p>21 He's been in our law department for, what,</p> <p>22 about two years?</p> <p>23 MR. LANGEL: Two years.</p> <p>24 MS. GIUSTINA: And he's sort of a</p> <p>25 brand new lawyer, and so he doesn't get to see</p>
<p style="text-align: right;">16</p> <p>1 A I would be present during that being</p> <p>2 facilitated to leaders, but I haven't been a</p> <p>3 participant again.</p> <p>4 Q Were you a teacher or presenter?</p> <p>5 A Not of that section, no.</p> <p>6 Q And how often have you been present</p> <p>7 for the presentation of how to conduct</p> <p>8 investigations for the leaders?</p> <p>9 A I would say -- let's see. We do it</p> <p>10 on a quarterly basis, and I probably attend</p> <p>11 once a year since 2010.</p> <p>12 Q Was the way that you were trained in</p> <p>13 your individualized or specialized</p> <p>14 investigation training different from how the</p> <p>15 leaders are being trained on how to conduct</p> <p>16 these investigations?</p> <p>17 A The process, no.</p> <p>18 Q What about them is different?</p> <p>19 Because you sound as if something is different,</p> <p>20 but it's not the process. What is different?</p> <p>21 A The resources available and when to</p> <p>22 bring others in the investigation. So for</p> <p>23 example, if it is theft related, to involve</p> <p>24 corporate security. So we're trained as HR</p> <p>25 professionals of that. We don't necessarily</p>	<p style="text-align: right;">18</p> <p>1 this often, and I invited him. I hope that's</p> <p>2 okay with everybody.</p> <p>3 MS. BROCK: It is okay. I just was</p> <p>4 curious. There's other attorneys that do this</p> <p>5 way better than I do, so do not put this in</p> <p>6 your book of how to take depositions.</p> <p>7 MR. LANGEL: Well, you're doing fine</p> <p>8 by my book, so.</p> <p>9 Q Let's talk about the process for</p> <p>10 conducting the investigation. Now, is the</p> <p>11 process for conducting an investigation the</p> <p>12 same for a situation that would occur for theft</p> <p>13 as it would be for a discrimination complaint?</p> <p>14 A Yes.</p> <p>15 Q Tell me the process for conducting</p> <p>16 these investigations.</p> <p>17 A So the process would be first to</p> <p>18 speak to the person who has the complaint or</p> <p>19 the concern and get as much detail as possible.</p> <p>20 We do ask employees to write a written</p> <p>21 statement typically.</p> <p>22 Following that, we're going to look</p> <p>23 to see if there's any evidence to collect</p> <p>24 related to the incident, whether it's, you</p> <p>25 know, computer records or what -- oh, gosh,</p>

<p style="text-align: right;">19</p> <p>1 whatever else we have that we can obtain.  2 Following that, we would interview  3 any witnesses related to the incident. And  4 then we would look to see what potential policy  5 is potentially violated.  6 Once we have collected all that  7 information, we would make a decision based  8 upon what we could substantiate throughout the  9 investigation and take the appropriate action.  10 Q So you would speak to the  11 complainant typically to get additional detail,  12 perhaps get a written statement from that  13 individual, and then you would determine  14 whether there was any evidence to be collected.  15 And in particular, you mentioned like from the  16 computer system and the like.  17 And then any witnesses that may have  18 been present, you would conduct interviews of  19 those witnesses. Then you would determine  20 whether there was a policy violated. And then  21 you would determine what could be substantiated  22 and what couldn't be. And then you would  23 determine what action is taken. Did I get that  24 correct?  25 A You did.</p>	<p style="text-align: right;">21</p> <p>1 Q Since becoming a senior HR manager,  2 have you been located here in Georgia?  3 A That's correct.  4 Q And over what period of time were  5 you an HR manager?  6 A Since April of 2005. The title  7 changed a few times, but the role was the same.  8 Q So from April 2005 through about  9 September of 2014?  10 A Correct.  11 MR. TUYN: And I assume your  12 question's taken into account her prior  13 testimony that she was Northwest in 2005.  14 MS. BROCK: Well, yeah, because I'm  15 getting ready to --  16 MR. TUYN: So you're not limiting it  17 to Delta?  18 MS. BROCK: No, because I'm getting  19 ready to probe a little bit to break that up,  20 and I know the title changed when the merger  21 happened.  22 THE WITNESS: Yes.  23 MS. BROCK: So I was going to get  24 that on the record.  25 Q And so as an HR manager, were you</p>
<p style="text-align: right;">20</p> <p>1 Q As to the interviewing of witnesses,  2 are there instances where interviewing a  3 witness is not necessary?  4 A Yes.  5 Q Can you explain to me what  6 circumstances would lead you to believe that  7 interviewing a witness is not necessary?  8 A If the person who brings forth the  9 complaint and the person who is alleged to have  10 violated the policy, if their recollections are  11 exactly the same, we would not go forth and  12 interview witnesses. We would bring in the  13 witnesses only if there was discrepancy between  14 those two employees.  15 Q Let's talk about your employment  16 history a little bit. What is your current  17 position?  18 A I'm a senior human resource  19 manager.  20 Q And how long have you been employed  21 with Delta as a senior HR manager?  22 A Since September of 2014.  23 Q And what position did you hold prior  24 to September of 2014?  25 A Human resource manager.</p>	<p style="text-align: right;">22</p> <p>1 located in Detroit during that time?  2 A Yes.  3 Q As counsel mentioned, you are one of  4 the individuals that have affectionately come  5 to be known as a Northwest person. So you  6 would have been a Northwest employee prior to  7 becoming a Delta employee; correct?  8 A That's correct.  9 Q What was your title prior to the  10 merger?  11 A It was a human resource generalist.  12 Q And when did your employment with  13 Northwest begin?  14 A April of 2005.  15 Q So when you were hired in at  16 Northwest, you were hired in as an HR  17 generalist?  18 A That's correct.  19 Q And you remained an HR generalist  20 until after the merger or somewhere around the  21 merger?  22 A Thereafter. The HR manager title is  23 relatively new. It's not really merger  24 related.  25 Q So you remained an HR generalist</p>

<p style="text-align: right;">23</p> <p>1 after the merger. And then at some later 2 point, the title became HR manager? 3 A Correct. 4 Q Do you recall when the title changed 5 to HR manager? 6 A I believe it was 2013. It's fairly 7 recent. 8 Q If you could tell me, what were the 9 job duties that you performed when you were an 10 HR generalist/HR manager in Detroit? 11 A So I would have had oversight of 12 everything HR related for the airport customer 13 service employees in Detroit. That would have 14 included all of the customer service agents as 15 well as all of the ramp employees in Detroit. 16 Q The below-the-wing people? 17 A Correct. 18 MR. TUYN: Ms. Brock, I know you're 19 asking the question HR generalist/HR manager. 20 But as we've heard from other witnesses, 21 there's a distinction between Northwest and 22 Delta in that Northwest was union represented 23 and Delta is not, so. 24 MS. BROCK: Right. 25 MR. TUYN: I assume the duties are</p>	<p style="text-align: right;">25</p> <p>1 left coming to Detroit. So let's take the time 2 to do that. 3 Q So your job duties, prior to the 4 merger was there a difference in your job 5 duties? 6 A So the -- when I said the job duties 7 were similar, my intention was that HR -- you 8 know, I was HR in both companies. You know, 9 the benefits, the investigations, those duties 10 were similar, if not the same. But the way we 11 go about achieving those duties are different 12 at the two organizations. So I think that's a 13 good clarification. 14 Q So let me just start with what those 15 duties were, and then we can back up and talk 16 about the differences and how you accomplished 17 those duties. So let's just talk about the 18 duties. You began with oversight of everything 19 for the below-the-wing staff? 20 A As well as the above-wing, the 21 customer service agents. 22 Q Oh, above-the-wing as well? 23 A Yes, correct. 24 Q And so you would have been 25 responsible for overseeing all of the HR</p>
<p style="text-align: right;">24</p> <p>1 different. So if you're asking for duties -- 2 THE WITNESS: Yeah. 3 MR. TUYN: -- I think you're going 4 to have to differentiate between Northwest and 5 Delta. 6 MS. BROCK: Well, initially she 7 testified that the duties stayed the same, 8 which is why I grouped them together. So if 9 the duties changed, we do need to separate it 10 off, but her testimony was that the duties 11 stayed the same. 12 And that the title changed, but the 13 title changed well after it became Delta. So 14 it had nothing to do with the union going away. 15 It had nothing to do with the merger. It 16 wasn't until 2013 that the title actually 17 changed to HR manager. 18 MR. TUYN: Yeah. I don't think she 19 testified that all the duties stayed the same. 20 MS. BROCK: Well, she didn't say the 21 word all. But I asked her did the duties stay 22 the same, and she said yeah. So I have no 23 problem breaking it up because I absolutely 24 want to know the differences between what she 25 did from the time she got there to the time she</p>	<p style="text-align: right;">26</p> <p>1 responsibilities from hiring to benefits to 2 training to discipline and termination? 3 A Correct. And the involvement and 4 the process would be different. 5 Q Can you tell me when it was 6 Northwest, what was the involvement in the 7 process? 8 A So the involvement with the hiring, 9 we actually did all of the hiring in-house, so 10 the involvement was much greater. The benefits 11 administration was all in-house. Payroll was 12 all in-house. So those questions were more -- 13 we had a union at Northwest. 14 So the investigation and discipline 15 process would have been different in that, you 16 know, a union representative would have been 17 present as we were conducting investigations. 18 There was the grievance process. Let me think 19 what else would be different. 20 Q In the Northwest days, there was an 21 incident that occurred out at what is now the 22 Delta cargo out on Merriman where some nooses 23 were hung. Would you have been privy to that 24 as the HR representative at that time? 25 A Not as Northwest. I didn't have</p>



<p style="text-align: right;">27</p> <p>1 cargo until it became Delta. That would have 2 been a different HR person. 3 Q And so you never heard about the 4 noose-hanging incident at the cargo? 5 A I'm not aware of that, no. 6 Q So the people that were out at the 7 cargo, did those people eventually come over to 8 what I'm going to call metro, I may not have 9 the terminology for Delta/Northwest correct, 10 but did those individuals come over to metro? 11 A When you say, "did they come 12 over" -- 13 Q Yeah. 14 A -- do you mean -- 15 Q Did they begin to work over at the 16 metro location? 17 A The employees can bid to come to and 18 from the cargo facility to the airport, but we 19 didn't pick up all of the cargo employees and 20 bring them to the airport, if that's what 21 you're asking. 22 Q So if anyone from the Northwest 23 cargo era chose to bid, they could very well 24 now be working over at metro? 25 A They could be, yes.</p>	<p style="text-align: right;">29</p> <p>1 give you any indication individually. But did 2 they give you any indication generally that 3 there had been some racial tension or any sort 4 of racial incident at the cargo and that these 5 employees are also working and bidding and 6 coming over to metro? 7 A Not that I recall. 8 Q Now, I somewhat interrupted you. 9 You were telling me about the differences in 10 the process pre-merger and post-merger, and you 11 had gotten through pre-merger. And we had 12 talked about basically it appears that prior to 13 you becoming a Delta employee, more of the 14 human resource responsibilities were done 15 in-house, that you-all were more responsible 16 locally for taking care of human resource 17 issues. Am I correct in that? 18 A Related to benefits and payroll, 19 yes, and recruiting. 20 Q What kinds of things still were 21 taken care of outside of your local HR? 22 Because you made a distinction, and I don't 23 know where the distinction is. You pointed to 24 benefits, you pointed to payroll, and you 25 pointed to union activity as being something</p>
<p style="text-align: right;">28</p> <p>1 Q And you say you weren't responsible 2 for Northwest cargo. Who was responsible for 3 Northwest, HR-wise, cargo? 4 A It would have been a different HR 5 person. I don't know who that would have been 6 at the time. We move a lot in HR, so I don't 7 recall. 8 Q Did Northwest ever make you as an HR 9 person aware that there had been an incident at 10 the cargo and that employees that were at the 11 cargo were now coming over to metro? 12 A So can you repeat that question for 13 me? 14 Q Yeah. I guess where I'm trying to 15 go with it is whether you were ever alerted 16 that you had employees that may have been 17 involved in some sort of racial issue at cargo 18 that are now coming over and working at metro. 19 A So I would not have received an 20 alert of that, no. Was I aware that folks went 21 from cargo to the airport? Yes. Would I have 22 received an e-mail or a phone call saying 23 Johnny's coming over tomorrow and, oh, by the 24 way, here's his history? No. 25 Q And I understand that they didn't</p>	<p style="text-align: right;">30</p> <p>1 that was handled in-house. 2 And I took it a step further and 3 said locally those things were handled. And 4 you kind of led me to believe or by your 5 response that there were some things that were 6 HR related that were not handled locally when 7 you were Northwest. Am I correct in that? 8 A No. I mean, I would say parts of 9 the grievance process would not be handled 10 locally depending on the level that it would go 11 to. But, you know, I didn't administer the 12 benefit plan. That happens corporately. I 13 mean, each location didn't have a separate pay 14 scale or a separate benefit plan. 15 So the administration of those plans 16 would have been handled corporately, but the 17 questions from employees would have been 18 handled locally. 19 Q So is my understanding correct that 20 the HR, the local HR, was responsible for 21 carrying out the rules, policies, and 22 procedures of the corporation? 23 A Yes. 24 Q And that local HR was responsible 25 for the purview -- their reach would have been</p>

<p style="text-align: right;">31</p> <p>1 Detroit metro?</p> <p>2 A Well, my reach would have been the</p> <p>3 above and below-wing employees, not all of</p> <p>4 metro. We also have pilots and flight</p> <p>5 attendants, and those would have had -- as well</p> <p>6 as, you mentioned cargo. Those would have had</p> <p>7 separate HR folks.</p> <p>8 So my reach, yes, would have been</p> <p>9 all of that within what we call airport</p> <p>10 customer service which is the above and</p> <p>11 below-wing employees.</p> <p>12 Q Now, you also indicated that after</p> <p>13 the merger there were some changes to the</p> <p>14 process by which you conducted pretty much</p> <p>15 those same responsibilities. Can you tell me</p> <p>16 about those differences in the process?</p> <p>17 A Yes. So to be clear, all those</p> <p>18 changes would not have happened right at merger</p> <p>19 because there had to have been, you know, a</p> <p>20 union election and things happened, you know,</p> <p>21 in a pretty orderly fashion. So I'll talk to</p> <p>22 the changes, but the changes happened at</p> <p>23 different points.</p> <p>24 Q They were gradual?</p> <p>25 A Correct. So the benefits, the</p>	<p style="text-align: right;">33</p> <p>1 position that would require you to relocate?</p> <p>2 A Well, it was the position that --</p> <p>3 you know, increased responsibility. It's a</p> <p>4 promotion. There's lots more opportunity at</p> <p>5 Delta here in Atlanta as well.</p> <p>6 Q In your role as a human resource</p> <p>7 generalist/manager for Delta, what involvement,</p> <p>8 if any, did you have in disciplining employees?</p> <p>9 A I did not administer discipline.</p> <p>10 Q Right. But my question is: What</p> <p>11 role did you play in disciplining of employees?</p> <p>12 What involvement did you have?</p> <p>13 A Well, it would depend upon the</p> <p>14 circumstances. Some instances, I would have no</p> <p>15 involvement. The leader would do -- would do</p> <p>16 it on their own. Other circumstances, I may</p> <p>17 have just seen the investigation results and</p> <p>18 here's what the recommendation from the leader</p> <p>19 is and I say I support.</p> <p>20 Other instances, I may actually</p> <p>21 conduct the investigation with the leader and</p> <p>22 provide my recommendations to leadership of</p> <p>23 what to happen. So it really varies based on</p> <p>24 the circumstances.</p> <p>25 Q Now, you indicated that sometimes</p>
<p style="text-align: right;">32</p> <p>1 payroll, retirement, those type of questions,</p> <p>2 we actually have at Delta an employee service</p> <p>3 center. So employees can call the service</p> <p>4 center to get those questions answered.</p> <p>5 Although I do answer those questions locally,</p> <p>6 many employees call that number to get those</p> <p>7 types of questions answered.</p> <p>8 The focus at Delta is more</p> <p>9 employee-relations focused as well as</p> <p>10 leadership-development focused versus kind of</p> <p>11 the what we would consider traditional HR work,</p> <p>12 the benefits, the payroll, all of that type of</p> <p>13 thing. As well as the grievance process would</p> <p>14 have went away once union -- the representation</p> <p>15 vote took place.</p> <p>16 Q Why did you move to Georgia?</p> <p>17 A This is a new position. It's a</p> <p>18 promotion for me.</p> <p>19 Q Is this a position you had to apply</p> <p>20 for?</p> <p>21 A Yes.</p> <p>22 Q Was there some sort of internal</p> <p>23 posting at Delta for the position?</p> <p>24 A Yes.</p> <p>25 Q What made you decide to apply for a</p>	<p style="text-align: right;">34</p> <p>1 you have no role at all. So is it the case</p> <p>2 that when you were in Detroit as a Delta</p> <p>3 employee that disciplines would take place and</p> <p>4 you wouldn't have any idea that the discipline</p> <p>5 took place?</p> <p>6 A That's correct.</p> <p>7 Q And is there a particular level by</p> <p>8 which they needed to notify you of a discipline</p> <p>9 taking place?</p> <p>10 A Not a particular level, no. It was</p> <p>11 more based on the topic.</p> <p>12 Q What kinds of topics did they need</p> <p>13 to notify you that a discipline had taken</p> <p>14 place?</p> <p>15 A Typically, it would be circumstances</p> <p>16 where it involved a people policy versus an</p> <p>17 operational policy.</p> <p>18 Q Explain to me, what do you mean by a</p> <p>19 "people policy"?</p> <p>20 A So a violation of any of the</p> <p>21 corporate HR policies, such as discrimination</p> <p>22 or time and attendance or any of the people</p> <p>23 policies versus they didn't follow the</p> <p>24 appropriate procedure when working the</p> <p>25 aircraft.</p>

<p style="text-align: right;">35</p> <p>1 Q So, for example, if an employee is</p> <p>2 driving one of those little carts and they</p> <p>3 don't have their seat belt on and they get a</p> <p>4 safety infraction, they wouldn't necessarily</p> <p>5 have to notify you of that?</p> <p>6 A Correct. They know what to do.</p> <p>7 They handle that.</p> <p>8 Q Would they have to notify you for</p> <p>9 any sort of time card fraud discipline?</p> <p>10 A Well, let me be clear. They don't</p> <p>11 have to necessarily notify me. When I say</p> <p>12 "have to," it's not -- I don't know how to</p> <p>13 describe it.</p> <p>14 Q I don't either. So please try.</p> <p>15 Please try.</p> <p>16 A The role of HR at Delta is to advise</p> <p>17 and counsel based on the policies. The leader</p> <p>18 makes that decision. We help them make the</p> <p>19 right decision for the company. So are there</p> <p>20 instances where there was potentially time card</p> <p>21 issues where they didn't bring it to my</p> <p>22 attention? That's very possible.</p> <p>23 However, the team in Detroit was</p> <p>24 really good about making me aware of those</p> <p>25 circumstances. Can I say absolutely every time</p>	<p style="text-align: right;">37</p> <p>1 end? Let me try to fix the question.</p> <p>2 So I asked you a question about the</p> <p>3 back end. The discipline has already been</p> <p>4 done, you've become aware of it, and what could</p> <p>5 you do about it. And basically, it's nothing</p> <p>6 except go to the higher management and say,</p> <p>7 hey, I think you have a problem here, this</p> <p>8 shouldn't have happened this way, and something</p> <p>9 different needs to happen. Am I correct in</p> <p>10 that?</p> <p>11 A The influence of that.</p> <p>12 Q The influence of that --</p> <p>13 A Yes, correct.</p> <p>14 Q -- on the back end. On the front</p> <p>15 end prior to the discipline actually being</p> <p>16 administered, do you have any authority to say</p> <p>17 what level of discipline should be administered</p> <p>18 on that front end?</p> <p>19 A I make recommendations, yes.</p> <p>20 Q Do they have to follow your</p> <p>21 recommendations?</p> <p>22 A No. But to clarify, if -- again, if</p> <p>23 we disagree, we're going to their leader. It's</p> <p>24 a very fluid process. I know it sounds kind</p> <p>25 of -- I don't know. I don't know how it</p>
<p style="text-align: right;">36</p> <p>1 they made me aware? I can't say that.</p> <p>2 Q And if you needed to investigate a</p> <p>3 decision that was made that maybe you weren't</p> <p>4 made aware of, you could just ask the manager</p> <p>5 what happened, why did you take this particular</p> <p>6 course of action?</p> <p>7 A Correct.</p> <p>8 Q One of the things that you said is</p> <p>9 that HR advises and counsels and basically</p> <p>10 they're there to help the management to make</p> <p>11 the right decision. So if at some later point</p> <p>12 it came to your attention that the management</p> <p>13 didn't make the right decision, do you have the</p> <p>14 authority to cause any change to happen?</p> <p>15 A Me personally, no. I would have to</p> <p>16 go to their leader to say, I don't believe they</p> <p>17 made the right decision, here's why. And then</p> <p>18 their leader would be the one to ultimately</p> <p>19 make the decision to change that decision.</p> <p>20 Q So is it also true that as an HR</p> <p>21 employee manager/generalist in Detroit that you</p> <p>22 couldn't necessarily -- you didn't have the</p> <p>23 authority to necessarily change whatever</p> <p>24 decision had been made. Did you also have the</p> <p>25 authority to say what would happen on the front</p>	<p style="text-align: right;">38</p> <p>1 sounds. But if we're talking and we have an</p> <p>2 issue and I say it should be this and you're</p> <p>3 the leader and you say it should be this level</p> <p>4 and we disagree, we're going to your leader.</p> <p>5 And then the leader is going to</p> <p>6 weigh in. And if necessary, we're going to go</p> <p>7 to their leader. And if not there, we're going</p> <p>8 to go to my leader until we can all agree on</p> <p>9 what the appropriate action is.</p> <p>10 Q I think I understand a little bit.</p> <p>11 And be patient with me on this.</p> <p>12 A No problem.</p> <p>13 Q Because I worked in human resources</p> <p>14 a lot of years. And then I've been practicing</p> <p>15 as an attorney in labor and employment for a</p> <p>16 number of years. And I've never come across a</p> <p>17 corporation that's set up quite this way.</p> <p>18 A Okay.</p> <p>19 Q So you're really teaching me</p> <p>20 something very new to add to my list of things</p> <p>21 to just know. So when you say it's very fluid,</p> <p>22 would this process continue until there's some</p> <p>23 agreement between HR and the, I want to call it</p> <p>24 the operations side?</p> <p>25 A Yes. And, you know, if at some</p>

<p style="text-align: right;">39</p> <p>1 point, you know, I think there's enough risk, I 2 may involve our legal department. Or I may 3 involve or equal opportunity department to say, 4 you know, can you provide the operations some 5 comparables on why what they're trying to do is 6 not with our practice? 7 It's rare that it gets to that 8 point. I'd like to think I'm good at what I do 9 and can influence the decision, but there is a 10 process in place to do that. 11 Q But you're unable to utilize those 12 skills if the management on the operations side 13 didn't make you aware that a particular 14 situation was going on; correct? 15 A That would be correct. However, as 16 you mentioned, I may find out about it on the 17 back end and influence a different decision. 18 And they don't like that. They don't want to 19 have to go back and make a different decision. 20 So they are very good, and it is the culture 21 that HR is involved in that, in those 22 processes. 23 I'm sorry if I gave you the 24 impression that they're just out there doing 25 whatever they want because that's not the case.</p>	<p style="text-align: right;">41</p> <p>1 clarify my understanding because I've gotten my 2 understanding from lots of different people and 3 none of them are fully the HR person that you 4 are. And so that's why I wanted to talk to you 5 so badly, because I thought that you could help 6 me to clarify what is still unclear for me in 7 my head. 8 So the PL has the authority to make 9 a decision about whether to discipline an 10 employee or not. Am I correct in that? 11 A Yes. 12 Q Once the PL makes that decision, do 13 they run that decision up to their leader? 14 A Almost always. 15 Q Can they make the decision without 16 running it up to their leader? 17 A Can they? 18 Q Yes. 19 A Yes. 20 Q In particular, if a PL decides not 21 to discipline an employee, there would be no 22 way for that direct manager to necessarily know 23 that the PL made that decision. Am I correct 24 in that? So something happens. I see you do 25 something. And I'm not going to discipline you</p>
<p style="text-align: right;">40</p> <p>1 You know, is there a seat belt violation that I 2 wasn't aware of? Sure. But anytime it's, you 3 know, we're taking statements and it's an 4 investigation, they're very good about reaching 5 out to the HR person and saying here's what we 6 have, what's the appropriate level of 7 performance development. 8 I just don't want to give you the 9 impression that absolutely everything comes 10 across my desk because that wouldn't be 11 accurate either. 12 MR. TUYN: Barb, Felicia's very good 13 at asking questions. You have to be careful to 14 just answer her questions. 15 THE WITNESS: Okay. 16 MR. TUYN: You're going well beyond 17 her questions. 18 THE WITNESS: Okay. 19 MR. TUYN: If she wants to go into 20 that, she can. 21 THE WITNESS: Okay. 22 MR. TUYN: You've got to listen to 23 her question and answer her question. 24 Q I was going to kind of come back 25 anyways, so thank you. Because let me just</p>	<p style="text-align: right;">42</p> <p>1 for whatever the reason. 2 The department manager would not 3 necessarily be aware of that; correct? 4 A Correct. 5 Q Now, if the PL makes the decision to 6 put something in writing, would that then cause 7 the DM to be aware that some discipline took 8 place? 9 A Most of the time, yes. 10 Q Explain to me the "most of the 11 time." Under what circumstances or what are 12 you thinking about that causes you to say, 13 indefinitely, yeah, if they put it in writing 14 that they're going to run it up to the DM or 15 the DM would be aware? 16 A The DM typically reviews the 17 letter. The DM is sometimes present when the 18 letter is issued. But to say that that happens 19 a hundred percent of the time, I can't say 20 that. 21 Q And then under what circumstances 22 does the DM, if you know, because I don't even 23 know if this changes based on DM, does the DM 24 take that discipline decision to the general 25 manager?</p>



<p style="text-align: right;">43</p> <p>1 A I don't know when -- I mean, can you</p> <p>2 repeat the question for me?</p> <p>3 Q Yeah. Because I've gotten -- I've</p> <p>4 taken you from PL --</p> <p>5 A Yeah.</p> <p>6 Q -- and what the PL's authority is.</p> <p>7 And we've talked about the authority to decide</p> <p>8 not to discipline and that really no one would</p> <p>9 know that they decided -- necessarily know that</p> <p>10 they decided not to discipline.</p> <p>11 We've talked about the PL deciding</p> <p>12 to discipline and that the letter being</p> <p>13 presented to the DM, but you can't say a</p> <p>14 hundred percent of the time, but typically</p> <p>15 being presented to the DM.</p> <p>16 Now, I'm at the DM level, and I'm</p> <p>17 saying from the DM to the GM. Would that</p> <p>18 letter then go from the DM to the GM?</p> <p>19 A At certain levels, yes.</p> <p>20 Q What levels would the discipline</p> <p>21 then go from the DM to the GM, if you know?</p> <p>22 A The final corrective action for</p> <p>23 sure.</p> <p>24 Q And the GM for the below-the-wing</p> <p>25 folks, I think I'm jazzy now, would that have</p>	<p style="text-align: right;">45</p> <p>1 Q Summary from the leader, that would</p> <p>2 be the PL?</p> <p>3 A Or the department manager.</p> <p>4 Q And so do you remember anything else</p> <p>5 being a part of this investigation that you</p> <p>6 reviewed for Conover and Culpepper?</p> <p>7 A Not that I recall.</p> <p>8 Q Were the -- I'm going to help you a</p> <p>9 little bit.</p> <p>10 A Okay.</p> <p>11 Q Were the Kronos punches a part of</p> <p>12 that investigatory packet?</p> <p>13 A Not that I recall.</p> <p>14 Q Were the County swipes a part of</p> <p>15 that investigatory package?</p> <p>16 A Not that I recall.</p> <p>17 Q Did you pull any information outside</p> <p>18 of what was provided to you on Mr. Conover or</p> <p>19 Mr. Culpepper?</p> <p>20 A No.</p> <p>21 Q The investigatory information that</p> <p>22 you reviewed on Mr. Conover and Mr. Culpepper,</p> <p>23 where does that information go? And by that I</p> <p>24 mean, if someone is under investigation leading</p> <p>25 to discipline, are the investigatory documents</p>
<p style="text-align: right;">44</p> <p>1 been Mohammad Sarsour during the 2012 time</p> <p>2 period?</p> <p>3 A Yes.</p> <p>4 Q Now, I think Mr. De La Torre, he</p> <p>5 testified that he takes all of his disciplinary</p> <p>6 decisions up to the general manager. Is that</p> <p>7 your experience with Mr. De La Torre?</p> <p>8 A Yes.</p> <p>9 Q When in the process of the</p> <p>10 discipline moving from the PL to the DM to the</p> <p>11 GM is HR involved, or is it at various stages?</p> <p>12 A Various stages.</p> <p>13 Q Were you involved at all in the</p> <p>14 disciplines of Jason Conover or Christopher</p> <p>15 Culpepper?</p> <p>16 A Yes.</p> <p>17 Q How were you involved?</p> <p>18 A I reviewed the investigation and</p> <p>19 their recommendation for discipline.</p> <p>20 Q What did the investigation that you</p> <p>21 reviewed consist of?</p> <p>22 A Statements from both Conover and</p> <p>23 Culpepper as well as summary from I believe --</p> <p>24 I don't recall who the leader was who ran that</p> <p>25 investigation.</p>	<p style="text-align: right;">46</p> <p>1 put in their personnel record? Are they kept</p> <p>2 in the file cabinet marked investigations? I</p> <p>3 mean, what happens to those documents?</p> <p>4 A The actual investigation documents?</p> <p>5 Q Yeah.</p> <p>6 A Is that what you're asking?</p> <p>7 Q Yeah.</p> <p>8 A They would be kept in an</p> <p>9 investigation file.</p> <p>10 Q And where is that file kept?</p> <p>11 A That particular one would likely be</p> <p>12 in my office.</p> <p>13 Q Now, after you left, what happened</p> <p>14 to the files that were in your office?</p> <p>15 A They're still there.</p> <p>16 Q Okay.</p> <p>17 A I don't know. You would have to ask</p> <p>18 the person who's there now.</p> <p>19 Q Who took your place down there? Do</p> <p>20 you know?</p> <p>21 A Who replaced me?</p> <p>22 Q Yeah.</p> <p>23 A Danielle Hughes.</p> <p>24 Q Is she in your office now?</p> <p>25 A Yes.</p>

<p style="text-align: right;">47</p> <p>1 MS. BROCK: Just for the record,</p> <p>2 Attorney Tuyn, and I know you're aware of this,</p> <p>3 I didn't receive a written statement for</p> <p>4 Mr. Conover. And I also did not receive a</p> <p>5 summary from the PL or department manager as to</p> <p>6 the Conover-Culpepper incident.</p> <p>7 Q If you could tell me, at least for</p> <p>8 the summary, I think I have -- I have</p> <p>9 Mr. Culpepper's statement, so I know what he</p> <p>10 said. I have Mr. Conover's testimony of what</p> <p>11 he said in his written statement, so I think</p> <p>12 I'm good there.</p> <p>13 I don't have that summary. Can you</p> <p>14 tell me, what do you recall being in the</p> <p>15 summary from the PL or department manager? And</p> <p>16 I understand you don't remember which. But can</p> <p>17 you tell me what was in that summary? What do</p> <p>18 you remember?</p> <p>19 A I don't recall what was in the</p> <p>20 summary.</p> <p>21 Q Let me ask this. And if you know</p> <p>22 it, then maybe it came from the summary. And</p> <p>23 we can try to figure out, if it didn't, when</p> <p>24 you found it out. Were you made aware that</p> <p>25 Mr. Culpepper -- well, let me back up.</p>	<p style="text-align: right;">49</p> <p>1 discipline, so that's not a fair question.</p> <p>2 When I say "time card fraud," I mean that he</p> <p>3 was accused of being punched in and not working</p> <p>4 for part of his shift.</p> <p>5 A Yesterday.</p> <p>6 Q When did you, and I know it's a</p> <p>7 similar question, slightly different, when did</p> <p>8 you find out that Mr. Culpepper's pay was</p> <p>9 docked for four hours for being punched in and</p> <p>10 not working part of his shift in that November</p> <p>11 2012 time frame?</p> <p>12 A Per you just saying it. I was not</p> <p>13 aware of that.</p> <p>14 Q Let's talk about Mr. Conover just a</p> <p>15 little bit. Now, I do know that you're aware,</p> <p>16 and we're going to get to how I know and all</p> <p>17 the documents in just a minute, I do know that</p> <p>18 you were aware that Mr. Conover asked</p> <p>19 Mr. Culpepper to remove him from the RTS line;</p> <p>20 correct?</p> <p>21 A Yes.</p> <p>22 Q Were you aware that Mr. Conover went</p> <p>23 and found a place to sleep and would sleep</p> <p>24 throughout the vast majority of his shift that</p> <p>25 day?</p>
<p style="text-align: right;">48</p> <p>1 You are aware or you were aware that</p> <p>2 Mr. Culpepper removed Mr. Conover from the RTS</p> <p>3 line; correct?</p> <p>4 A Yes.</p> <p>5 Q And that he was not the ALA, the RTS</p> <p>6 ALA, and he should not have been removing</p> <p>7 anyone from the line; correct?</p> <p>8 A Correct.</p> <p>9 Q Were you aware at the time of this</p> <p>10 discipline, that would have been back in</p> <p>11 November of 2012 -- it's hard to forget things,</p> <p>12 I'm asking you to forget it if you found it out</p> <p>13 later -- were you aware that Mr. Culpepper also</p> <p>14 was being disciplined because he was punched in</p> <p>15 and was not working for part of the shift?</p> <p>16 A At that point, no.</p> <p>17 Q Were you made aware at that point</p> <p>18 that Mr. Culpepper was actually docked four</p> <p>19 hours of pay for being punched in and not</p> <p>20 working part of the shift?</p> <p>21 A No.</p> <p>22 Q When did you become aware that</p> <p>23 Mr. Culpepper was also being disciplined for</p> <p>24 time card fraud? And when I say "time card</p> <p>25 fraud," because I know it says that in the</p>	<p style="text-align: right;">50</p> <p>1 A Yes.</p> <p>2 Q Were you aware that Mr. Conover's</p> <p>3 pay was docked pretty much the entire shift for</p> <p>4 his being punched in and being somewhere else</p> <p>5 asleep --</p> <p>6 A No.</p> <p>7 Q -- on the job that day?</p> <p>8 A No.</p> <p>9 Q Now, I understand you weren't aware</p> <p>10 of that in the 2012 time frame. Were you aware</p> <p>11 of his pay being docked for his being punched</p> <p>12 in and not working the vast majority of his</p> <p>13 shift back in November of 2012 prior to today?</p> <p>14 A No.</p> <p>15 Q You just found that out when I said</p> <p>16 it?</p> <p>17 A That's correct.</p> <p>18 Q Were you made aware in the January</p> <p>19 of 2014 time frame that Mr. Culpepper's</p> <p>20 discipline was reduced from a written</p> <p>21 corrective to a written coaching?</p> <p>22 A No.</p> <p>23 Q Have you ever in your time as a</p> <p>24 Delta employee, which would -- bad question.</p> <p>25 During your time as an HR</p>

<p style="text-align: right;">51</p> <p>1 generalist/manager, which means you would have  2 been in Detroit, Delta employee, were you aware  3 of an employee being disciplined and then that  4 discipline being later reduced to a lower  5 discipline?  6 A Yes.  7 Q Under what circumstances?  8 A I can't give you a specific  9 circumstance.  10 Q Well, can you tell me what  11 circumstances, not referencing anyone in  12 particular -- your testimony is that you know  13 it's happened; correct?  14 A Yes.  15 Q Can you tell me what circumstances  16 would lead to an employee's discipline being  17 reduced?  18 A The ones that I recall were -- I  19 can't recall the specific infraction, but it  20 would have been an employee who came to myself  21 or the next level of leadership and said, I  22 think this is inappropriate. And after review,  23 it was determined that, yes, it was  24 inappropriate, and a different letter or in  25 some cases the -- no letter, you know, the</p>	<p style="text-align: right;">53</p> <p>1 Mr. Conover was being investigated for time  2 card fraud. Was what Mr. Conover was accused  3 of doing considered time card fraud?  4 A No.  5 Q Why not?  6 A From what I recall, he was given  7 authorization to be off the clock or to be away  8 from his work area.  9 Q So your recollection is that  10 Mr. Conover was given permission to be away  11 from his work area. To your knowledge, did  12 that permission extend to remaining punched in  13 and sleeping for the vast majority of his  14 shift?  15 A No.  16 Q And so would his being punched in  17 and being somewhere else sleeping for the vast  18 majority of his shift be considered time card  19 fraud?  20 A I would not have considered it that.  21 Q And why not?  22 A Because he was given authorization  23 to do so.  24 Q You're saying that it's your  25 understanding that Mr. Culpepper gave him this</p>
<p style="text-align: right;">52</p> <p>1 letter was just removed, took place.  2 Q Thank you for that, because that was  3 a good explanation. Have you in your time as  4 HR in Detroit, I'm trying to make it easier on  5 myself, as HR in Detroit ever seen such a  6 reduction in discipline happen more than a year  7 after the discipline took place?  8 A No.  9 (Whereupon a document was identified as  10 Plaintiff's Exhibit 1.)  11 Q Ms. Franz, I've handed you what has  12 been marked as Exhibit 1. And it is the Final  13 Corrective Action Notice for Jason Conover. Do  14 you see that?  15 A Yes.  16 Q And have you seen this discipline  17 before?  18 A Yes.  19 Q And so this is the discipline that  20 we've been talking about where he requested to  21 have Mr. Culpepper remove him from the RTS  22 system; correct?  23 A Yes.  24 Q And it indicates in the second  25 sentence of the first paragraph that</p>	<p style="text-align: right;">54</p> <p>1 permission you're referring to?  2 A Correct.  3 Q And so Mr. Culpepper gave him  4 permission to stay on the clock and get paid  5 while being asleep for the vast majority of his  6 shift?  7 A Correct.  8 Q So did Mr. Culpepper commit time  9 card fraud in giving an employee permission to  10 be away from his work area asleep while getting  11 paid?  12 MR. TUYN: Well, let me just object  13 as to lack of foundation. And I think you're  14 representing facts that aren't in evidence.  15 There's no evidence that Culpepper knew that  16 Conover was sleeping. Conover doesn't say  17 that. Culpepper didn't say that.  18 So that isn't what Culpepper was  19 disciplined for.  20 MS. BROCK: Well, I understand your  21 objection. But this is the HR person who was  22 there. And she was there, and neither of us  23 were. And so although she may not have known  24 he was away sleeping, she certainly knew that  25 Mr. Culpepper is who removed him from the line.</p>

<p style="text-align: right;">55</p> <p>1 MR. TUYN: Yeah. And she testified</p> <p>2 to that. But she didn't testify that Culpepper</p> <p>3 knew that Conover was sleeping after he took</p> <p>4 him off the line.</p> <p>5 MS. BROCK: Well, let me ask it this</p> <p>6 way. Whether she knew he was sleeping or not,</p> <p>7 whether she knew he was punched in and wasn't</p> <p>8 working.</p> <p>9 Q When Mr. Culpepper removed</p> <p>10 Mr. Conover from the RTS line, were you aware</p> <p>11 as to whether Mr. Culpepper knew that -- well,</p> <p>12 I take it back.</p> <p>13 Didn't you just tell me that</p> <p>14 Mr. Conover had permission to be away from his</p> <p>15 work station?</p> <p>16 A Correct.</p> <p>17 Q He had permission to be punched in</p> <p>18 and away from his work station?</p> <p>19 A Yes.</p> <p>20 Q And Mr. Culpepper is who provided</p> <p>21 him that permission; correct?</p> <p>22 A Yes.</p> <p>23 Q So was it time card fraud for</p> <p>24 Mr. Culpepper to have allowed an employee to be</p> <p>25 away from their work station, not working, and</p>	<p style="text-align: right;">57</p> <p>1 reasons can that occur?</p> <p>2 A I'm not aware that we've done that.</p> <p>3 Q Right. But I'm representing that we</p> <p>4 have.</p> <p>5 A Yeah.</p> <p>6 Q So my question to you is: How could</p> <p>7 that occur, or why could that occur?</p> <p>8 A I can't speak to that. I didn't</p> <p>9 make that decision.</p> <p>10 Q And have you ever seen an employee</p> <p>11 punch in and have the entire shift, just about,</p> <p>12 taken away from them?</p> <p>13 A No.</p> <p>14 Q Mr. Conover is the first person</p> <p>15 that, as far as you know, that's ever occurred</p> <p>16 for?</p> <p>17 A Yes.</p> <p>18 Q And what about Mr. Culpepper's</p> <p>19 situation where he was docked for four hours of</p> <p>20 pay that day? Have you ever known of another</p> <p>21 employee to be on the clock and have their pay</p> <p>22 taken for four hours?</p> <p>23 A No.</p> <p>24 Q Can you, sitting here today, think</p> <p>25 of any circumstance where the reaction of</p>
<p style="text-align: right;">56</p> <p>1 remaining punched in?</p> <p>2 A No.</p> <p>3 Q Why not?</p> <p>4 A We have employees who are given</p> <p>5 authorization to be away from their work area</p> <p>6 and continue to be paid. That in and of itself</p> <p>7 would not be considered time card fraud.</p> <p>8 Q What would make it time card fraud?</p> <p>9 A If they didn't have the</p> <p>10 authorization.</p> <p>11 Q So as long as a supervisor said it</p> <p>12 was okay for him to be on the clock and away</p> <p>13 from his work area, not working, it's okay?</p> <p>14 A Yes.</p> <p>15 Q Then why, if you know, was</p> <p>16 Mr. Conover's pay docked --</p> <p>17 A It wasn't aware.</p> <p>18 Q -- for that time?</p> <p>19 A I wasn't aware of that.</p> <p>20 Q Well, sitting here today now that</p> <p>21 you are aware, what reasons can an employee's</p> <p>22 pay be docked? If I'm punched in, if I'm a</p> <p>23 Delta employee and I'm punched in and I'm</p> <p>24 punched in an entire shift and management takes</p> <p>25 my pay for almost the entire shift, for what</p>	<p style="text-align: right;">58</p> <p>1 management would be to take a person's pay for</p> <p>2 so many hours that they were punched in?</p> <p>3 A No.</p> <p>4 Q Can you, sitting here today, and I</p> <p>5 know it's tough because a million things could</p> <p>6 happen that could probably lead to this kind of</p> <p>7 situation, but sitting here today, can you</p> <p>8 think of any situation that would warrant</p> <p>9 management to say, yes, that person was punched</p> <p>10 in, but we're taking four hours or six hours or</p> <p>11 more from them of their pay for that day?</p> <p>12 A No.</p> <p>13 Q Sitting here today, considering that</p> <p>14 you didn't become aware of Mr. Conover's pay</p> <p>15 being docked until today, do you still know</p> <p>16 whether Mr. Conover committed time card fraud</p> <p>17 or not? Want me to change the question?</p> <p>18 A Yeah.</p> <p>19 Q Because it's a little icky.</p> <p>20 A I'm not sure I understand.</p> <p>21 Q What I'm asking is, is you don't</p> <p>22 know why his pay was docked. So can you be</p> <p>23 sure that he didn't commit time card fraud?</p> <p>24 MR. TUYN: Well, is your question --</p> <p>25 first of all, I don't think we've defined time</p>



<p style="text-align: right;">59</p> <p>1 card fraud.</p> <p>2 MS. BROCK: Well, let me have her --</p> <p>3 stop right there. Let me have her define it.</p> <p>4 We can go question by question, and that way</p> <p>5 we'll get every objection you have answered.</p> <p>6 Q What is time card fraud?</p> <p>7 A I would define it as an employee</p> <p>8 being paid for time that they were not on</p> <p>9 property that they didn't have authorization to</p> <p>10 not be on property.</p> <p>11 Q So in order for it to be time card</p> <p>12 fraud in your mind, the person has to be off</p> <p>13 the property?</p> <p>14 A When I say off property, I mean not</p> <p>15 working. Thank you for that clarification.</p> <p>16 Q And so again, my question is:</p> <p>17 Considering that you were not aware that</p> <p>18 Mr. Conover's pay was docked, can you say that</p> <p>19 he was not off property in November of 2012?</p> <p>20 Can you still say that?</p> <p>21 A Repeat that question for me.</p> <p>22 Q Yeah.</p> <p>23 A Because there were --</p> <p>24 Q Considering that you did not know</p> <p>25 his pay was docked --</p>	<p style="text-align: right;">61</p> <p>1 feel comfortable that you've given me an answer</p> <p>2 to my question?</p> <p>3 A Go ahead and repeat it again for me.</p> <p>4 Q Okay.</p> <p>5 A I'm sorry.</p> <p>6 Q It's okay. I don't mind. I don't</p> <p>7 mind. I plan to be here all day, so it's okay.</p> <p>8 Let me try to walk up to it, and maybe that</p> <p>9 will help us get there.</p> <p>10 At the time that this discipline was</p> <p>11 issued, you were not aware that Mr. Conover's</p> <p>12 pay had been docked almost the entire shift?</p> <p>13 A That's correct.</p> <p>14 Q And you also testified that, based</p> <p>15 on your understanding of what Mr. Conover did,</p> <p>16 that would not be time card fraud; correct?</p> <p>17 A Well, I wasn't aware that -- you're</p> <p>18 putting those two things together. Can you</p> <p>19 rephrase that for me? Because you're putting</p> <p>20 the pieces together, but I wasn't aware of this</p> <p>21 piece.</p> <p>22 Q And I get it.</p> <p>23 A Okay.</p> <p>24 Q And so I'm kind of at your</p> <p>25 before-awareness mind.</p>
<p style="text-align: right;">60</p> <p>1 A Correct.</p> <p>2 Q -- can you still say he was not off</p> <p>3 property?</p> <p>4 A I don't know. I mean, I don't know</p> <p>5 where he was.</p> <p>6 Q So now you recognize that you really</p> <p>7 didn't know where Mr. Conover was at the time</p> <p>8 that this discipline took place?</p> <p>9 MR. TUYN: Well, your question was</p> <p>10 did he engage in time card fraud.</p> <p>11 MS. BROCK: No. That's not my last</p> <p>12 question. That was the question a few</p> <p>13 questions ago.</p> <p>14 MR. TUYN: Well, I mean, if your</p> <p>15 question is did he do anything wrong, that's</p> <p>16 different than --</p> <p>17 MS. BROCK: No, that's not what I'm</p> <p>18 asking.</p> <p>19 MR. TUYN: -- was it time card</p> <p>20 fraud.</p> <p>21 MS. BROCK: I'm being very specific</p> <p>22 about what I'm asking.</p> <p>23 Q Do you need me to ask it again?</p> <p>24 Because I don't want to get an objection that</p> <p>25 I've asked it and you've answered it. Do you</p>	<p style="text-align: right;">62</p> <p>1 A Okay.</p> <p>2 Q Before you became aware, so let's</p> <p>3 wipe out that he was docked at this point, from</p> <p>4 what you were told and what you're aware that</p> <p>5 Mr. Conover did, you would not consider that</p> <p>6 time card fraud; correct?</p> <p>7 A That's correct.</p> <p>8 Q Now you have become aware that</p> <p>9 Mr. Conover was actually docked for the vast</p> <p>10 majority of his shift on this November 2012</p> <p>11 day. Can you still say he did not commit time</p> <p>12 card fraud?</p> <p>13 A Yes.</p> <p>14 Q How and why?</p> <p>15 A Because I don't understand why he</p> <p>16 was docked. So until I understood that</p> <p>17 decision, my thought is the same in that it is</p> <p>18 not time card fraud.</p> <p>19 (Whereupon a document was identified as</p> <p>20 Plaintiff's Exhibit 2.)</p> <p>21 Q Okay. Now I need to ask a similar</p> <p>22 set of questions about Mr. Culpepper, but I</p> <p>23 think it will be easier for him because we got</p> <p>24 through it on Mr. Conover.</p> <p>25 Before we get to Exhibit 2,</p>

<p style="text-align: right;">63</p> <p>1 Exhibit 1 indicates that Mr. Conover was being  2 investigated for time card fraud. Is it your  3 understanding today that, although he was  4 investigated for time card fraud, he wasn't  5 disciplined for time card fraud?  6 A That is my understanding, yes.  7 Q Then what was Mr. -- I mean, looking  8 at this discipline, I need to see what are we  9 saying in this paper that Mr. Conover was  10 disciplined for.  11 MR. TUYN: And before you respond,  12 make sure you read it.  13 MS. BROCK: Oh, absolutely. I'm in  14 no hurry today.  15 A Okay.  16 Q So what was, according to the  17 discipline, Mr. Conover disciplined for? He  18 was investigated for time card fraud. What was  19 he disciplined for?  20 A In reading this, job performance.  21 Q Isn't it true that Delta considers  22 any disciplinary action a performance  23 opportunity?  24 A Yes.  25 Q So when you say when it says</p>	<p style="text-align: right;">65</p> <p>1 A Based on what this says, not being  2 in his work area.  3 Q And you know I've asked this a bunch  4 of different ways at this point. Have you ever  5 known of an employee to be docked pay for poor  6 performance?  7 A No.  8 Q Ms. Franz, taking a look at what has  9 been marked Exhibit 2, we see a corrective  10 action notice regarding performance, and it's  11 for Christopher Culpepper. Do you see that?  12 A Yes.  13 Q And this also indicates that he was  14 being investigated for time card fraud, yeah,  15 in that second sentence of the first paragraph.  16 Do you see that?  17 A Yes.  18 Q And so for Mr. Culpepper, what was  19 he actually disciplined for? I understand he  20 was investigated for time card fraud. But what  21 was he disciplined for?  22 A He was disciplined for using his ALA  23 authority when he was not in an ALA capacity.  24 Q And he was also demoted; correct?  25 A That is correct.</p>
<p style="text-align: right;">64</p> <p>1 performance, couldn't it very well be just a  2 performance opportunity?  3 A What do you mean by that?  4 Q Yeah. It's a phrase. Mr. Domingo  5 De La Torre told me that Delta uses a general  6 term in his testimony, and it's performance  7 opportunities, that we try to work through  8 performance opportunities. We give disciplines  9 to try to improve performance, but that would  10 be for anything that we discipline you for, is  11 to improve performance.  12 A No. Every discipline is not going  13 to say job performance.  14 Q Or it's going to say attendance, or  15 it's going to say safety.  16 A Or it could say conduct.  17 Q What about Mr. Conover's performance  18 caused him to receive this discipline?  19 MR. TUYN: We're still talking about  20 Conover?  21 MS. BROCK: We are.  22 A Can you repeat that question for  23 me?  24 Q Sure. What about Mr. Conover's  25 performance caused him to be disciplined?</p>	<p style="text-align: right;">66</p> <p>1 Q And your understanding per your  2 testimony is that Culpepper gave Conover  3 permission to remain punched in and be away  4 from his work station; correct?  5 A Yes.  6 Q In the giving an employee permission  7 to be, based on your understanding -- I'm not  8 saying it happened that way, but that's your  9 understanding of it. For an ALA to give  10 permission to an employee to be punched in and  11 away from their work station, is that time card  12 fraud?  13 A No.  14 Q Why not?  15 A They have the authorization to do  16 so.  17 Q So an ALA can actually tell an  18 employee, you can stay punched in and not work?  19 A Yes.  20 Q And make sure they -- and they still  21 can get paid for that?  22 A Yes.  23 Q Wow. Now, with Mr. Culpepper and  24 the fact, and I know it's not discussed in this  25 discipline, the fact that he was on the clock</p>

<p style="text-align: right;">67</p> <p>1 and not working for part of his shift, would 2 that be considered time card fraud? 3 A Repeat that for me. 4 Q Sure. Mr. Culpepper, he was punched 5 in, and he didn't work for part of his shift. 6 Would that be considered time card fraud? 7 A If he did not have authorization, 8 yes. 9 Q Is it your position that 10 Mr. Culpepper was not disciplined for time card 11 fraud? 12 A Yes. 13 Q And how come? How come that's your 14 position that it wasn't time card fraud? 15 A Because the discipline was for his 16 misuse of his ALA authority. 17 Q Sitting here today now that you know 18 some additional information, are you sure that 19 his discipline was for the misuse of his 20 authority? 21 A That's what it says. 22 Q So as far as you know, he didn't get 23 disciplined for being punched in and not 24 working part of his shift? 25 A That's my understanding.</p>	<p style="text-align: right;">69</p> <p>1 Exhibit 2 says Corrective Action Notice 2 Regarding Performance, and Exhibit 3 is a 3 written coaching. Do you see that? 4 A Yes. 5 Q And again it says he was 6 investigated for time card fraud. Do you see 7 that? 8 A Yes. 9 Q And then I think there's a couple of 10 other differences. If you turn the page, you 11 will see that in that second paragraph on the 12 second page the amount of time that the 13 discipline would remain in his journal has been 14 changed. Do you see that? 15 A Yes. 16 Q And let's go back to the signature 17 date. Mr. Culpepper signed Exhibit 2 November 18 21st of 2012; correct? 19 A Yes. 20 Q He signed Exhibit 3, his written 21 coaching for the same infraction, January 15th 22 of 2014; correct? 23 A Yes. 24 Q So that was a year and two, three 25 months after the original signature; correct?</p>
<p style="text-align: right;">68</p> <p>1 Q Now, I've represented to you today 2 that Mr. Culpepper was docked for four hours, 3 but I think you've already testified that you 4 have no reason why he would have been docked 5 for four hours of pay for that day. 6 A I'm not aware of that. 7 (Whereupon a document was identified as 8 Plaintiff's Exhibit 3.) 9 Q Ms. Franz, you've been handed 10 Exhibit 3. And it is a Written Coaching Notice 11 Regarding Performance for Christopher 12 Culpepper. Do you see that? 13 A Yes. 14 Q And if you turn the page, we're 15 going to come back, but if you just turn the 16 page, you'll see that it's dated January 15th 17 of 2014; correct? 18 A Yes. 19 Q And you would have still been the HR 20 manager at that point; correct? 21 A Yes. 22 Q If you look back at the first page 23 and you compare it to Exhibit 2, you will 24 notice that it's all the same except for the 25 title. You see where the title is changed?</p>	<p style="text-align: right;">70</p> <p>1 A Yes. 2 Q Before today, were you aware that 3 Mr. Culpepper's discipline had been reduced in 4 this manner? 5 A Before today? 6 Q Yes. 7 A Yes. 8 Q Before yesterday, were you aware 9 that Mr. Culpepper's discipline was reduced in 10 this manner? 11 A No. 12 Q In your role as human resource 13 generalist/manager for Delta, what involvement, 14 if any, did you have in terminating employees? 15 A I'm involved. Can you -- 16 Q And what is your role? 17 A Okay. Thank you. I may -- the 18 role's going to vary based upon the 19 circumstances. I may be part of the 20 investigation and then the subsequent 21 termination or -- but always, I am involved in 22 reviewing the termination file and the 23 recommendation for termination from the 24 operation. 25 Q I'm sorry for taking you back and</p>

<p style="text-align: right;">71</p> <p>1 forth. I just had a thought. We talked about</p> <p>2 you seeing the disciplinary file for</p> <p>3 Mr. Conover, and we talked about the fact that</p> <p>4 you saw several documents. You talked about</p> <p>5 the statements from, oh, from both Culpepper</p> <p>6 and Conover.</p> <p>7 The summary from the PL or</p> <p>8 department manager, was there a summary for</p> <p>9 both Conover and Culpepper?</p> <p>10 A I don't recall.</p> <p>11 Q If there was no summary for one or</p> <p>12 the other -- well, let me ask it this way. Do</p> <p>13 you remember there being a summary for one of</p> <p>14 them?</p> <p>15 A I remember there being a summary.</p> <p>16 Q And your remembrance right now is of</p> <p>17 one summary, it sounds like. Is that the case?</p> <p>18 A I can't recall.</p> <p>19 Q But you know there was a summary.</p> <p>20 You don't know if there was one or two, and you</p> <p>21 don't know for which individual?</p> <p>22 A Correct.</p> <p>23 MR. TUYN: Before you go any</p> <p>24 further, can we take a break?</p> <p>25 MS. BROCK: Yeah. If you can just</p>	<p style="text-align: right;">73</p> <p>1 addition to what you were provided for</p> <p>2 Mr. Culpepper?</p> <p>3 A That's correct.</p> <p>4 Q Would Mr. Culpepper's investigatory</p> <p>5 file also be in your former office to the best</p> <p>6 of your knowledge?</p> <p>7 A I don't know.</p> <p>8 Q That's where you left it?</p> <p>9 A I don't -- I don't specifically know</p> <p>10 if, this particular investigation, there's a</p> <p>11 file in my office for it.</p> <p>12 MS. BROCK: Okay. I understand.</p> <p>13 And I can appreciate that. We can get a break.</p> <p>14 MR. TUYN: Okay.</p> <p>15 (Proceedings in recess, 10:30 a.m. to</p> <p>16 10:43 a.m.)</p> <p>17 Q Before we took the break, we had</p> <p>18 gotten over into the Conover-Culpepper world</p> <p>19 once again, and now I'm back to the termination</p> <p>20 world. And I had asked you before we went back</p> <p>21 to Conover and Culpepper about your role as a</p> <p>22 human resource generalist/manager in the</p> <p>23 termination process.</p> <p>24 And you did provide me with some of</p> <p>25 your responsibilities in that regard. And one</p>
<p style="text-align: right;">72</p> <p>1 let me finish about what was in Culpepper's,</p> <p>2 and I won't ask anything outside of that.</p> <p>3 MR. TUYN: Okay.</p> <p>4 Q So you can't recall whether it was</p> <p>5 for one or the other of them or whether it was</p> <p>6 just one that covered both of them. You just</p> <p>7 can't recall?</p> <p>8 A Right.</p> <p>9 Q But you know there was a summary.</p> <p>10 Yes?</p> <p>11 A Yes.</p> <p>12 Q For any information that was not in</p> <p>13 the summary, you would have had to have asked</p> <p>14 the PL or the department manager what was going</p> <p>15 on; correct?</p> <p>16 A Yes.</p> <p>17 Q And I'm almost done with this line.</p> <p>18 For Culpepper, I know I asked for Conover, did</p> <p>19 you see any Kronos punches in that</p> <p>20 investigatory file for Culpepper?</p> <p>21 A Not that I recall.</p> <p>22 Q Did you see any County swipes for</p> <p>23 that investigatory file for Culpepper?</p> <p>24 A Not that I recall.</p> <p>25 Q And you didn't pull anything in</p>	<p style="text-align: right;">74</p> <p>1 of them in particular that I noted was that you</p> <p>2 review the file. And when you review the</p> <p>3 termination file, what are you looking for?</p> <p>4 A I'm looking for the reason that the</p> <p>5 operation is recommending to term. I'm looking</p> <p>6 to see if that's supportive with the infraction</p> <p>7 or the policy violation. And I'm looking for</p> <p>8 documentation to support that decision.</p> <p>9 Q Do you conduct any independent</p> <p>10 investigation into the termination files when</p> <p>11 you receive them?</p> <p>12 A No.</p> <p>13 Q So your decision as far as whether</p> <p>14 to recommend termination or not recommend</p> <p>15 termination is based on the file that the</p> <p>16 management or operations side would have put</p> <p>17 together and sent to you?</p> <p>18 A There may be additional questions or</p> <p>19 additional documentation that isn't in the file</p> <p>20 that I asked for, but I don't do an</p> <p>21 investigation.</p> <p>22 Q Have you ever in your time as Delta</p> <p>23 HR in Detroit denied or recommended that a</p> <p>24 termination -- a recommended termination not</p> <p>25 take place?</p>



<p style="text-align: right;">75</p> <p>1 A Yes.</p> <p>2 Q Under what circumstances have you,</p> <p>3 and it doesn't have to be specific to one</p> <p>4 person, under what circumstances have you</p> <p>5 recommended that a recommended termination not</p> <p>6 take place?</p> <p>7 A If any of those things that I'm</p> <p>8 looking for are not in the file. So if the</p> <p>9 decision is not consistent with what we've done</p> <p>10 in the past as far as the infraction, if</p> <p>11 there's not documented evidence of what took</p> <p>12 place, there's stuff missing, then it -- yeah.</p> <p>13 Q And have you had any occasion where</p> <p>14 the operations side didn't accept your</p> <p>15 recommendation that termination not take place?</p> <p>16 A Yes.</p> <p>17 Q Under what circumstances have they</p> <p>18 not taken your recommendation?</p> <p>19 A I can't give you a specific</p> <p>20 circumstance.</p> <p>21 Q In the instances when the operations</p> <p>22 side did not accept your recommendation for</p> <p>23 termination, did you exercise your option of</p> <p>24 taking it up the management chain?</p> <p>25 A Every time.</p>	<p style="text-align: right;">77</p> <p>1 about the type of compliance call or compliance</p> <p>2 calls in general?</p> <p>3 Q The type. I'm talking about --</p> <p>4 A I couldn't speak to --</p> <p>5 Q -- racial discrimination.</p> <p>6 A -- the type. I'm sorry. I thought</p> <p>7 you were asking about compliance calls in</p> <p>8 general.</p> <p>9 Q Have you ever done a race</p> <p>10 discrimination compliance call other than the</p> <p>11 one involving Jerrick Rodriques?</p> <p>12 A I can't speak to the specifics of</p> <p>13 the previous compliance calls.</p> <p>14 Q And I understand that.</p> <p>15 A Yeah.</p> <p>16 Q So sitting here today, is it safe to</p> <p>17 say you have no recollection of doing a race</p> <p>18 discrimination call from the hot line other</p> <p>19 than Mr. Rodriques, the one involving</p> <p>20 Mr. Rodriques?</p> <p>21 A I have no recollection of the</p> <p>22 previous topics of the compliance calls.</p> <p>23 MR. TUYN: And just to clarify,</p> <p>24 you're saying the one concerning Mr. Rodriques,</p> <p>25 but I assume you're grouping. There were six</p>
<p style="text-align: right;">76</p> <p>1 Q And taking it up the management</p> <p>2 chain, were you able to get the termination</p> <p>3 reversed or the recommendation to terminate</p> <p>4 reversed?</p> <p>5 A Yes.</p> <p>6 Q Was the Rodriques, Beydoun, and</p> <p>7 Leela termination the first ethics compliance</p> <p>8 hot line investigation you conducted?</p> <p>9 A No.</p> <p>10 Q How many ethics hot line</p> <p>11 investigations would you estimate that you've</p> <p>12 conducted in your career as a Delta HR</p> <p>13 manager/HR person?</p> <p>14 A I don't know.</p> <p>15 Q Well, let me get a range. Was it</p> <p>16 ten times? Because it's a long career, but I</p> <p>17 don't know if you get -- I guess what I'm</p> <p>18 trying to sense, is it a high volume or is it a</p> <p>19 low volume of hot line calls for Detroit for</p> <p>20 race discrimination.</p> <p>21 Would you say less than ten in your</p> <p>22 career there?</p> <p>23 A No.</p> <p>24 Q Less than 20?</p> <p>25 A Well, are you specifically talking</p>	<p style="text-align: right;">78</p> <p>1 different hot line complaints that essentially</p> <p>2 said the same thing.</p> <p>3 MS. BROCK: Yeah.</p> <p>4 MR. TUYN: Or that mention Rodriques</p> <p>5 in one vein or another.</p> <p>6 MS. BROCK: Yeah.</p> <p>7 MR. TUYN: So when you say the one,</p> <p>8 you're talking about the six?</p> <p>9 MS. BROCK: Yeah.</p> <p>10 Q So outside of that one, you have no</p> <p>11 recollection --</p> <p>12 A Yeah, no, I don't.</p> <p>13 Q Let me ask you this. Have you,</p> <p>14 since you can't remember any specific</p> <p>15 investigation or any specific topics of</p> <p>16 investigation, have you ever found that Delta</p> <p>17 did commit race discrimination in one of your</p> <p>18 investigations?</p> <p>19 A No.</p> <p>20 Q And you didn't find that Delta</p> <p>21 committed race discrimination as to</p> <p>22 Mr. Rodriques; correct?</p> <p>23 A Correct.</p> <p>24 (Whereupon a document was identified as</p> <p>25 Plaintiff's Exhibit 4.)</p>

<p style="text-align: right;">79</p> <p>1 Q Ms. Franz you've been handed what</p> <p>2 has been marked as Exhibit 4, and it appears to</p> <p>3 be a policy of Delta's. Am I correct in that?</p> <p>4 A Looks like it, yes.</p> <p>5 Q Have you ever seen this policy</p> <p>6 before?</p> <p>7 A Yes.</p> <p>8 Q Now, it indicates that Delta is</p> <p>9 committed to a workplace free from</p> <p>10 discrimination. And that's in the very first,</p> <p>11 We Value Diversity paragraph?</p> <p>12 A Uh-huh (affirmative).</p> <p>13 Q Yes?</p> <p>14 A Yes.</p> <p>15 Q Have you found that Delta is</p> <p>16 committed to a workplace free from</p> <p>17 discrimination?</p> <p>18 A Yes.</p> <p>19 Q And then moving down a little bit,</p> <p>20 it says, "Discrimination Is Not Tolerated."</p> <p>21 Have you found that Delta does not tolerate</p> <p>22 discrimination?</p> <p>23 A Yes.</p> <p>24 Q Have you ever known of anyone to be</p> <p>25 terminated for discriminating?</p>	<p style="text-align: right;">81</p> <p>1 discrimination, harassment, and the like. And</p> <p>2 it says you can report it to your leader, your</p> <p>3 manager, the HR professional, or the equal</p> <p>4 opportunity department. Where is that</p> <p>5 department located?</p> <p>6 A Here in Atlanta.</p> <p>7 Q And the equal opportunity</p> <p>8 department, is the method by which to contact</p> <p>9 them published somewhere? Like how would I</p> <p>10 call them?</p> <p>11 A The directory, the corporate</p> <p>12 directory.</p> <p>13 Q That corporate directory, is it</p> <p>14 online?</p> <p>15 A Yes.</p> <p>16 Q And does it direct you to any one</p> <p>17 person, or do you just call the department?</p> <p>18 Would you just call that department?</p> <p>19 A You would call the department. Or</p> <p>20 if you knew the name, you could search for a</p> <p>21 name as well.</p> <p>22 Q And then it continues that you may</p> <p>23 also call Delta's ethics and compliance help</p> <p>24 line. I've been calling it a hot line, so I</p> <p>25 probably will not be able to stop calling it a</p>
<p style="text-align: right;">80</p> <p>1 A No.</p> <p>2 Q Do you know of anyone ever being</p> <p>3 disciplined for discrimination?</p> <p>4 A No.</p> <p>5 Q Have you ever known of anyone being</p> <p>6 investigated for discrimination other than the</p> <p>7 one set of investigations you conducted with</p> <p>8 Jerrick Rodriques? And I know I asked you for</p> <p>9 you, but I'm just talking generally now. Not</p> <p>10 necessarily investigations that you performed,</p> <p>11 per se, but have you ever known of anyone to be</p> <p>12 investigated for race discrimination?</p> <p>13 A To be able to give specifics of</p> <p>14 that, no.</p> <p>15 Q Even without the specifics, are you</p> <p>16 aware of anyone being investigated for race</p> <p>17 discrimination?</p> <p>18 A Yes.</p> <p>19 Q And to the best of your knowledge,</p> <p>20 whatever person, whatever group of people,</p> <p>21 whatever situations you're thinking of, was it</p> <p>22 found that discrimination existed?</p> <p>23 A Not that I recall.</p> <p>24 Q In the very last paragraph on</p> <p>25 Exhibit 4, it talks about reporting any kind of</p>	<p style="text-align: right;">82</p> <p>1 hot line.</p> <p>2 A Okay.</p> <p>3 Q So if I say hot line, I mean Delta's</p> <p>4 ethics and compliance help line. Okay? What</p> <p>5 is the purpose of the hot line?</p> <p>6 A To report concerns to Delta.</p> <p>7 Q Is it any other purpose other than</p> <p>8 just reporting? Is it to try to get a concern</p> <p>9 resolved or fixed or corrected, or is it just</p> <p>10 to report it?</p> <p>11 A I would say it's all those things.</p> <p>12 (Whereupon a document was identified as</p> <p>13 Plaintiff's Exhibit 5.)</p> <p>14 Q Mr. Franz, you've been handed</p> <p>15 Exhibit 5, and it is what appears to be a</p> <p>16 policy entitled Personnel Conduct Standards and</p> <p>17 Appearance Guidelines. Do you see that?</p> <p>18 A Yes.</p> <p>19 Q Am I correct that this is a policy?</p> <p>20 A It appears to be, yes.</p> <p>21 MR. TUYN: Well, objection. It says</p> <p>22 guideline.</p> <p>23 Q Well, let me ask. What's the</p> <p>24 difference between a guideline and a policy?</p> <p>25 A In my definition, a policy would be</p>

<p style="text-align: right;">83</p> <p>1 this is -- it's black and white. A guideline  2 may be gray.  3 Q Am I correct that you don't have to  4 follow a guideline?  5 A No.  6 Q So you do have to follow a  7 guideline?  8 A But it's a guideline, so there could  9 be room to do something potentially  10 differently.  11 Q So you don't have to 100 percent  12 follow a guideline?  13 A Yes.  14 Q Do you have to 100 percent follow a  15 policy?  16 A Yes. That's my definition.  17 Q Well, you're the HR manager.  18 A I'm just --  19 Q Now, you're a senior person, so I'm  20 willing to take your word for it. And the  21 first page, you will see, is just a cover  22 sheet. I just wanted to have something so we  23 could know what this document is, but I did not  24 put every page of it.  25 You'll see the numbers at the bottom</p>	<p style="text-align: right;">85</p> <p>1 program," and then it says, "which primarily  2 consists of the following policies and  3 objectives." Do you see that?  4 A Yes.  5 Q So those things that are listed  6 directly under that sentence, would that be  7 the, to the best of your knowledge, "the equal  8 opportunity program," quote-unquote?  9 A Yes.  10 Q Now, understanding that the entire  11 document is a guideline, but it indicates here  12 that these are policies and objectives. So  13 with that, does that mean that these bullet  14 points are things that you have to follow?  15 They're policies?  16 A Well, some are objectives.  17 Q Tell me which ones are policies and  18 which ones are objectives.  19 A I wouldn't be comfortable  20 differentiating that.  21 Q Is that safe to say that you're  22 unsure which ones are policies and objectives?  23 A I'm unsure how they would -- how  24 equal opportunity would define it.  25 Q Is this policy only interpreted by</p>
<p style="text-align: right;">84</p> <p>1 kind of skip because I didn't need all of the  2 sections and I didn't want to ask you about all  3 of the sections. But I thought it was only  4 fair if I kind of told you where it came from,  5 so to speak.  6 The second page has a  7 nondiscrimination policy. Do you see that  8 there?  9 A Yes.  10 Q And it indicates that in that first  11 paragraph near the bottom right before you get  12 to the first bullet point, it says, "The  13 Director - Equal Opportunity is responsible for  14 coordinating the day-to-day implementation of  15 Delta's equal opportunity program."  16 Do you know who the director - equal  17 opportunity is?  18 A Well, the head of equal opportunity  19 is Melissa Seppings. I'm not sure if that's  20 her title.  21 Q And it says the date -- have you  22 seen this document before, first of all?  23 A I have.  24 Q It says, "the day-to-day  25 implementation of Delta's equal opportunity</p>	<p style="text-align: right;">86</p> <p>1 equal opportunity, or do you use it in your  2 day-to-day work as an HR manager?  3 A I would use the first bullet. I  4 would not use the second bullet. I don't  5 conduct business with outside firms. So some  6 of it, yes, and some of it, no.  7 Q So as to that first bullet, is that  8 a policy or an objective?  9 A I would say it's a policy.  10 Q The last bullet, "ensuring  11 compliance with applicable laws," is that a  12 bullet that you would make use of?  13 A Yes.  14 Q I understand why two and probably  15 three you may not day-to-day make use of.  16 Would bullet number four be a policy or an  17 objective?  18 A I would say it's a policy.  19 Q In that paragraph under the fourth  20 bullet point, it says, "involved as well as the  21 company's obligations as a federal government  22 contractor." So Delta is a federal government  23 contractor?  24 A That's what it says.  25 Q Are you aware of whether they're a</p>

<p style="text-align: right;">87</p> <p>1 federal contractor?</p> <p>2 A I am not.</p> <p>3 Q Have you ever seen -- in the last</p> <p>4 sentence, it indicates implementation of the</p> <p>5 company's affirmative action plan. Have you</p> <p>6 ever seen the company's affirmative action plan</p> <p>7 before?</p> <p>8 A I've seen the Detroit plan, not</p> <p>9 necessarily the whole company's.</p> <p>10 Q And under what circumstances did you</p> <p>11 come to see the Detroit affirmative action</p> <p>12 plan?</p> <p>13 A We're provided a copy every year.</p> <p>14 Q What can you tell me about Detroit's</p> <p>15 affirmative action plan? What is the Detroit</p> <p>16 affirmative action plan?</p> <p>17 A I wouldn't be able to speak to the</p> <p>18 specifics.</p> <p>19 Q You receive it every year?</p> <p>20 A Yes.</p> <p>21 Q Did you read it every year?</p> <p>22 A Cover to cover? No.</p> <p>23 Q Did you read any of it every year?</p> <p>24 A Yeah.</p> <p>25 Q The part that you read, what did it</p>	<p style="text-align: right;">89</p> <p>1 A Well, I read it so I would know.</p> <p>2 Q Would you take any action based on</p> <p>3 the numbers that are reported? Would you take</p> <p>4 any action as far as hiring? Would you create</p> <p>5 a retention plan? Would you do anything in</p> <p>6 particular after you review those numbers?</p> <p>7 A No.</p> <p>8 Q Based on your remembrance, the</p> <p>9 numbers that you saw in that report, were they</p> <p>10 satisfactory to you as far as the number of</p> <p>11 minorities that were employed within Delta at</p> <p>12 Detroit?</p> <p>13 A There was nothing that stuck out, so</p> <p>14 yes.</p> <p>15 Q Were there as many, to the best of</p> <p>16 your remembrance, African-Americans employed</p> <p>17 with Delta in Detroit as Caucasians?</p> <p>18 A I don't recall.</p> <p>19 Q But nothing stuck out in your mind?</p> <p>20 A Correct.</p> <p>21 Q Well, you worked there for quite</p> <p>22 some time. When you left the Detroit location,</p> <p>23 were there just as many African-Americans</p> <p>24 employed there as white employees?</p> <p>25 A I couldn't speak to that.</p>
<p style="text-align: right;">88</p> <p>1 say?</p> <p>2 A The part that I reviewed was the</p> <p>3 demographic information.</p> <p>4 Q And when you say "the demographic</p> <p>5 information," is it the information that you</p> <p>6 yourself would be reporting or your department</p> <p>7 as to how many of each group works there?</p> <p>8 A I wouldn't report it. But yes,</p> <p>9 it's that information.</p> <p>10 Q Does it have any goals of where you</p> <p>11 would want to be as to those relative race</p> <p>12 categories?</p> <p>13 A I don't believe so. It may. I</p> <p>14 don't recall.</p> <p>15 Q And you would review those</p> <p>16 statistical -- that statistical data and</p> <p>17 information for Detroit for what reason?</p> <p>18 A For knowledge.</p> <p>19 Q What would you do with that</p> <p>20 knowledge? Anything in particular? I guess</p> <p>21 I'm trying to find out, did you do something?</p> <p>22 Do you read it and see the numbers and say,</p> <p>23 hey, we need to work on this or that? Or do</p> <p>24 you just read it and you just -- so you can</p> <p>25 just know?</p>	<p style="text-align: right;">90</p> <p>1 (Whereupon a document was identified as</p> <p>2 Plaintiff's Exhibit 6.)</p> <p>3 Q You've been handed Exhibit 6,</p> <p>4 Ms. Franz, and it is a document entitled</p> <p>5 Reliability. Do you see that?</p> <p>6 A Yes.</p> <p>7 Q And this appears to be a</p> <p>8 Delta-issued document; is that correct?</p> <p>9 A It looks familiar. The formatting</p> <p>10 looks a little bit different, but yes.</p> <p>11 Q Good. I'm glad you said that.</p> <p>12 Looking at the bottom where it says Personnel</p> <p>13 Practices Manual, what is the Personnel</p> <p>14 Practices Manual?</p> <p>15 A Yeah, we don't have that anymore.</p> <p>16 Q And when was the Personnel Practices</p> <p>17 Manual done away with?</p> <p>18 A Well, it wasn't necessarily done</p> <p>19 away with. It was reformatted. I don't recall</p> <p>20 when that occurred.</p> <p>21 Q Has this policy -- well, let me ask.</p> <p>22 Is this a policy? Is Exhibit 6 a policy?</p> <p>23 A Yes.</p> <p>24 Q Was this policy rolled over into the</p> <p>25 on-the-road document or off-the-road document?</p>

<p style="text-align: right;">91</p> <p>1 A No.</p> <p>2 Q I don't recall -- am I'm using the</p> <p>3 right name?</p> <p>4 A I don't think you're using the right</p> <p>5 term.</p> <p>6 Q I'm not using the right name.</p> <p>7 There's a manual that I saw, and it has a big</p> <p>8 airplane on the front of it. And it says</p> <p>9 either on-the-road of off-the-road. I can't</p> <p>10 remember.</p> <p>11 A Well, there's Rules of the Road.</p> <p>12 But no, this would not be in that document.</p> <p>13 Q Where was this document rolled over</p> <p>14 into? Where is it now?</p> <p>15 A The term that's used, I believe,</p> <p>16 online is -- I don't know exactly what it's</p> <p>17 called. I think the link says People Policies.</p> <p>18 (Whereupon a document was identified as</p> <p>19 Plaintiff's Exhibit 7.)</p> <p>20 Q You've been handed Exhibit 7. And</p> <p>21 it appears to be the same as Exhibit 6, but</p> <p>22 it's kind of set up a little bit different. Is</p> <p>23 this what you're meaning when you said it's</p> <p>24 like been reformatted?</p> <p>25 A Yes.</p>	<p style="text-align: right;">93</p> <p>1 Other types of policies?</p> <p>2 A No. Well, Operational Policies.</p> <p>3 (Whereupon a document was identified as</p> <p>4 Plaintiff's Exhibit 8.)</p> <p>5 Q I've handed you what has been marked</p> <p>6 as Exhibit 8, and it is a Topics Discussed with</p> <p>7 Agent for Jerick Rodriques. Do you see that?</p> <p>8 A Yes.</p> <p>9 Q And would this be Mr. Rodriques's</p> <p>10 journal?</p> <p>11 A No.</p> <p>12 Q What is the journal? I haven't been</p> <p>13 able to get a sense of what is the journal. If</p> <p>14 this isn't the journal, what is the journal?</p> <p>15 A Well, I wouldn't call this a</p> <p>16 journal. This is the Northwest equivalent of</p> <p>17 the journal. So this is the electronic</p> <p>18 performance development system. We called it</p> <p>19 EPD. It's equivalent to the journal, but I</p> <p>20 would not call this a journal.</p> <p>21 Q How would I know that I have the</p> <p>22 journal? What would I see that lets me know I</p> <p>23 have the journal?</p> <p>24 A You would see dates and</p> <p>25 documentation of conversation that was -- that</p>
<p style="text-align: right;">92</p> <p>1 Q So the way that you recall seeing it</p> <p>2 is how it looks in Exhibit 7; correct?</p> <p>3 A I recall seeing it in both formats,</p> <p>4 but 7 is the more recent.</p> <p>5 Q And we don't know when the format</p> <p>6 changed?</p> <p>7 A I do not.</p> <p>8 Q What is regular and predictable</p> <p>9 attendance?</p> <p>10 A Are you asking me what that means?</p> <p>11 Q Yes.</p> <p>12 A So regular and predictable</p> <p>13 attendance, to me, means that you are reliable</p> <p>14 and you come to work.</p> <p>15 Q Where can the reliability policy be</p> <p>16 found?</p> <p>17 A On the company intranet site.</p> <p>18 Q Intranet. Intranet?</p> <p>19 A Yes.</p> <p>20 Q And that's under People Policies;</p> <p>21 correct?</p> <p>22 A Yes.</p> <p>23 Q What are the other headers that you</p> <p>24 can remember? Because People Policies is an</p> <p>25 odd phrase. What other ones do they have?</p>	<p style="text-align: right;">94</p> <p>1 took place with Mr. Rodriques.</p> <p>2 Q Is this document Exhibit 8 still</p> <p>3 utilized?</p> <p>4 A No.</p> <p>5 Q When did Delta stop utilizing this</p> <p>6 Exhibit 8?</p> <p>7 A Around March of -- well, I'm not</p> <p>8 sure.</p> <p>9 Q Okay. It says -- and that may</p> <p>10 explain why it says it. That was my question.</p> <p>11 It says, "Manager: Manager does not exist."</p> <p>12 Why?</p> <p>13 A The system wasn't that robust to</p> <p>14 feed that. Everybody's would have said manager</p> <p>15 does not exist.</p> <p>16 Q And then it says, "Manager</p> <p>17 reassignment on March 12, '12." Do you know</p> <p>18 why it says that?</p> <p>19 A No.</p> <p>20 Q And then up under that, it says,</p> <p>21 "Document Code S, nature of document, manager."</p> <p>22 Are those just the headings for each of those</p> <p>23 lines underneath?</p> <p>24 A Yes.</p> <p>25 Q And then there's a March -- I don't</p>



<p style="text-align: right;">95</p> <p>1 know. I think the date comes first in military 2 date, so I'm going to say the 13th of March, 3 2012. 4 A Yes. 5 Q And then it has a number. But do we 6 know what any of that means? 7 A So the number is the employee number 8 of the person who pulled it up. So the B27556 9 would be somebody's Northwest employee number. 10 Date would have been auto-populated. 11 Q And when you say "auto-populated," 12 what do you mean? 13 A When this was pulled up, it would 14 have been March 13th of 2012. 15 (Whereupon a document was identified as 16 Plaintiff's Exhibit 9.) 17 Q Ms. Franz, this e-mail from December 18 11th of 2012 at 1800 hours has been marked as 19 Exhibit 9. Do you see that? 20 A Yes. 21 Q And this is an e-mail that you were 22 cc'd on; correct? 23 A Yes. 24 Q And this is an e-mail that's 25 regarding Mr. Rodriques's punch discrepancy.</p>	<p style="text-align: right;">97</p> <p>1 correct? 2 A There were four dates, yes. 3 Q And not necessarily these four, and 4 I get it. 5 A Yeah. 6 Q Because we're going to talk about 7 the one. 8 A Okay. 9 Q But there were four dates; correct? 10 A To the best of my knowledge, yes. 11 Q And why, if you know, were you cc'd 12 on this e-mail from Mr. Kriksciun -- I didn't 13 pronounce that right. 14 A Kriksciun. 15 Q -- Kriksciun to Mr. Sarsour? 16 A I would believe it was because I was 17 copied on the previous e-mail. 18 Q So it just carried on. So 19 Mr. De La Torre copied you because he tends -- 20 A Huh-uh, no. He sends it to his 21 leader. 22 Q Let me back up. Okay. So he sent 23 it to his leader, who sent it to -- 24 A His leader. 25 Q -- his leader, and he brought you</p>
<p style="text-align: right;">96</p> <p>1 Do you see that? 2 A Yes. 3 Q If you would turn with me to the 4 second page, the very last paragraph of 5 Mr. Domingo De La Torre's e-mail indicates that 6 Mr. Kotula has an additional incident of punch 7 discrepancy that he would basically be 8 providing at some later time. Do you see that? 9 A Yes. 10 Q Do you ever recall any additional 11 date being brought in by Mr. Kotula? 12 A When you say "date," what do you 13 mean? 14 Q Yeah, date that there was a 15 discrepancy. 16 A No. 17 Q So we have above that four dates of 18 discrepancy there. And I know we'll talk about 19 the November 10th later, shortly actually, but 20 there were four dates that were brought that 21 are listed in this e-mail; correct? 22 A Yes. 23 Q And as far as you know, it was only 24 those four dates that were taken under 25 consideration in Mr. Rodriques's termination;</p>	<p style="text-align: right;">98</p> <p>1 in? 2 A Correct. 3 Q So for whatever the reason, he felt 4 HR needed to be aware of what was happening? 5 A Yes. 6 Q And so that's how you ended up being 7 involved in what was happening with 8 Mr. Rodriques at this stage? 9 A Can you repeat that question? 10 Q Yeah. That's how you ended up being 11 notified of what was happening with 12 Mr. Rodriques? 13 A Yes. 14 (Whereupon a document was identified as 15 Plaintiff's Exhibit 10.) 16 Q Exhibit 10 is an e-mail from 17 Mr. De La Torre to you dated December 17th of 18 2012. And it has some attachments to it: 19 documents and statements, journal, RFT for J. 20 Rod., and support document. Do you see that? 21 A Yes. 22 Q And then he also asked, "Do you have 23 a moment today to go over the documents and the 24 RFT file?" Do you see that? 25 A Yes.</p>

<p style="text-align: right;">99</p> <p>1 Q Did you in fact meet with</p> <p>2 Mr. De La Torre to go over the documents in the</p> <p>3 RFT file?</p> <p>4 A Yes.</p> <p>5 Q And what assistance did</p> <p>6 Mr. De La Torre need that he wanted to go over</p> <p>7 the file with you? What did he need you to do?</p> <p>8 A That's normal. That's normal</p> <p>9 protocol.</p> <p>10 Q And what was the purpose in him</p> <p>11 going over the file with you?</p> <p>12 A To show why he was recommending him</p> <p>13 for termination.</p> <p>14 (Whereupon a document was identified as</p> <p>15 Plaintiff's Exhibit 11.)</p> <p>16 Q Exhibit 11 is dated December 18th,</p> <p>17 2012. It looks like it's a memo, and it's</p> <p>18 signed by you. Do you see that?</p> <p>19 A Yes.</p> <p>20 Q And the first sentence of the</p> <p>21 document says Note to File regarding Jerriek</p> <p>22 Rodriques. A note to what file?</p> <p>23 A His employment file.</p> <p>24 Q And you began the next sentence</p> <p>25 reporting the investigation into</p>	<p style="text-align: right;">101</p> <p>1 line actually turned green indicating he had</p> <p>2 punched in?</p> <p>3 A When you say who, who are you</p> <p>4 referring to?</p> <p>5 Q De La Torre.</p> <p>6 A He did not indicate that.</p> <p>7 Q Did he indicate what Mr. Kotula had</p> <p>8 done to try to substantiate Mr. Rodriques's</p> <p>9 whereabouts on that day?</p> <p>10 A Not that I recall.</p> <p>11 Q So for the November 17th, November</p> <p>12 20th, and December 11th dates that are on this</p> <p>13 memo to the file or note to the file, you</p> <p>14 weren't directly involved in any of these</p> <p>15 steps, were you?</p> <p>16 A That's correct.</p> <p>17 Q Why is it you that wrote the note</p> <p>18 summary versus the individual who was involved,</p> <p>19 like Mr. De La Torre? Why would you write the</p> <p>20 summary versus him?</p> <p>21 A I would -- this is my summary based</p> <p>22 upon what I saw in the file and my conversation</p> <p>23 with Domingo.</p> <p>24 (Whereupon a document was identified as</p> <p>25 Plaintiff's Exhibit 12.)</p>
<p style="text-align: right;">100</p> <p>1 Mr. Rodriques's time card records, but dot,</p> <p>2 dot, dot. Who conducted the investigation?</p> <p>3 A Domingo.</p> <p>4 Q My mind is jumping, so my apologies.</p> <p>5 Could Mr. Culpepper have been demoted without</p> <p>6 his DM being aware?</p> <p>7 A I don't believe so.</p> <p>8 Q Could he have been demoted without</p> <p>9 the general manager being aware?</p> <p>10 A I don't think so.</p> <p>11 Q In the 11-17, back to Exhibit 11,</p> <p>12 11-17 of '12 summary of information, you give</p> <p>13 some information in regard to Mr. Rodriques and</p> <p>14 what occurred on November 17th. And you're</p> <p>15 welcome to take a moment and read to refresh</p> <p>16 your memory.</p> <p>17 Where did you get that information</p> <p>18 from that's provided under November 17th of</p> <p>19 2012?</p> <p>20 A Domingo.</p> <p>21 Q Did Mr. De La Torre tell you where</p> <p>22 he got that information?</p> <p>23 A From Mr. Kotula.</p> <p>24 Q Did he tell you whether he looked</p> <p>25 into it to see whether Mr. Rodriques's task</p>	<p style="text-align: right;">102</p> <p>1 Q Exhibit 12 is an internal memo dated</p> <p>2 December 18th of 2012 from you to Tyesha Gray</p> <p>3 regarding Mr. Rodriques; correct?</p> <p>4 A Yes.</p> <p>5 Q And why did you send this memo to</p> <p>6 Ms. Gray?</p> <p>7 A This is part of our recommendation</p> <p>8 for term process.</p> <p>9 Q And do you know why the process</p> <p>10 requires this to be sent to Ms. Gray?</p> <p>11 A She's my boss.</p> <p>12 Q Are you just making her aware? Are</p> <p>13 you, as is indicated at the bottom, seeking her</p> <p>14 approval? What's the reason for sending it?</p> <p>15 A So the reason is the operation is</p> <p>16 recommending his termination. I'm supporting</p> <p>17 it. So I'm sending it to her to get her</p> <p>18 support as well.</p> <p>19 Q Did you and Mr. De La Torre discuss</p> <p>20 any discipline short of termination for</p> <p>21 Mr. Rodriques?</p> <p>22 A Not that I recall.</p> <p>23 Q Did you and Ms. Gray discuss any</p> <p>24 discipline short of termination for</p> <p>25 Mr. Rodriques?</p>

<p style="text-align: right;">103</p> <p>1 A Not that I recall.</p> <p>2 Q Would you have been willing to hold</p> <p>3 that conversation if Mohammad Sarsour would</p> <p>4 have recommended something short of</p> <p>5 termination?</p> <p>6 A We would have had discussion.</p> <p>7 Q Would you have had that discussion</p> <p>8 if Mr. De La Torre would have recommended</p> <p>9 something short of termination?</p> <p>10 A We would have had discussion, yes.</p> <p>11 Q And of course, because it didn't</p> <p>12 happen, you can't say today whether you would</p> <p>13 have agreed to that or not, can you?</p> <p>14 A No.</p> <p>15 Q Now, this particular memo to</p> <p>16 Ms. Gray doesn't list the dates, you know,</p> <p>17 like, and I'm going to show you shortly,</p> <p>18 Mr. De La Torre actually put the dates and what</p> <p>19 was done. Your memo to Ms. Gray didn't include</p> <p>20 that detail. Why not?</p> <p>21 A That's not -- I wouldn't include</p> <p>22 that. What I'm focused on is what is the</p> <p>23 violation that was -- what is the violation or</p> <p>24 the policy that was violated. That's what I'm</p> <p>25 intending to speak to.</p>	<p style="text-align: right;">105</p> <p>1 on the 11th?</p> <p>2 A Yes.</p> <p>3 Q And then the next line says, "RFT</p> <p>4 approval received; VP senior leader." What</p> <p>5 does that mean?</p> <p>6 A That means we've spoken to the</p> <p>7 senior leader in the station.</p> <p>8 Q Which was who?</p> <p>9 A At the time, it would have been</p> <p>10 Andrew Zarras.</p> <p>11 Q Give me the name again.</p> <p>12 A Andrew Zarras, Z-A-R-R-A-S.</p> <p>13 Q And what is Mr. Zarras's role?</p> <p>14 A He was the vice president.</p> <p>15 Q And so who would have spoken to him?</p> <p>16 A Most likely Mr. Kriksciun.</p> <p>17 Q And when you say he would have been</p> <p>18 spoken to, for what reason?</p> <p>19 A We're recommending termination of</p> <p>20 this employee and here's why and to gain his</p> <p>21 support.</p> <p>22 Q RFT approval received, what does</p> <p>23 that mean?</p> <p>24 A Rec for term approval received.</p> <p>25 Q The recommendation for termination</p>
<p style="text-align: right;">104</p> <p>1 (Whereupon a document was identified as</p> <p>2 Plaintiff's Exhibit 13.)</p> <p>3 Q Exhibit 13 is a checklist or appears</p> <p>4 to be a checklist for recommendation of</p> <p>5 termination of Mr. Rodriques. Do you see that?</p> <p>6 A Yes.</p> <p>7 Q And I know his name isn't on it, but</p> <p>8 I believe it's for Mr. Rodriques. Now, the</p> <p>9 second box says, "Date MSS transaction</p> <p>10 completed." What does that mean?</p> <p>11 A It's a manager self-service. That's</p> <p>12 our system where the leaders would put in</p> <p>13 transactions for employees.</p> <p>14 Q What kind of transactions for</p> <p>15 employees?</p> <p>16 A In this particular case, it would</p> <p>17 have been a suspension transaction.</p> <p>18 Q Now, the date that this indicates</p> <p>19 that the suspension transaction was put in is</p> <p>20 December 11th. Am I correct that Mr. Rodriques</p> <p>21 was suspended on the 12th?</p> <p>22 A Well, he would have been spoken to</p> <p>23 on the 11th, so the suspension would have been</p> <p>24 effective the 12th.</p> <p>25 Q And so his suspension was keyed in</p>	<p style="text-align: right;">106</p> <p>1 approval received. So that means that this VP</p> <p>2 person, Mr. Zarras, approved the recommendation</p> <p>3 of termination?</p> <p>4 A Correct.</p> <p>5 Q And that approval was on -- can you</p> <p>6 read that date there?</p> <p>7 A I would say that's 12-13.</p> <p>8 Q Me too. And so the actual</p> <p>9 recommendation for termination was approved the</p> <p>10 day after the effective date of Mr. Rodriques's</p> <p>11 suspension?</p> <p>12 A From Mr. Zarras.</p> <p>13 Q From Mr. Zarras. The day after the</p> <p>14 suspension?</p> <p>15 A (Nods head affirmatively.)</p> <p>16 Q Yes?</p> <p>17 A Yes.</p> <p>18 Q And although the recommendation for</p> <p>19 termination was approved the day after his</p> <p>20 suspension, it still wasn't actually effective</p> <p>21 until January of 2013. Do you know why?</p> <p>22 A Well, there's a process in between</p> <p>23 that.</p> <p>24 Q I understand. But that's still a</p> <p>25 long time. So do you know why it took from --</p>



<p style="text-align: right;">107</p> <p>1 everything at metro level, I'm going to call  2 it, was completed by December 13th of 2012.  3 A No, it wasn't.  4 Q Why did it take --  5 A Because -- did we look at -- because  6 I met with Domingo on the 17th.  7 Q So --  8 A Right, so --  9 Q -- the senior VP approved it before  10 you did?  11 A Yes.  12 Q So he didn't know the position HR  13 was going to take at the time that he approved  14 it?  15 A Correct.  16 Q The VP, is he only a VP over like  17 operations?  18 A He would be the VP of airport  19 customer service, so the above and below-wing.  20 (Whereupon a document was identified as  21 Plaintiff's Exhibit 14.)  22 Q Exhibit 14, it's another e-mail.  23 And it's an e-mail from you to Nhia Francis  24 dated December 18th of 2012. And it states --  25 so the original report you received -- oh,</p>	<p style="text-align: right;">109</p> <p>1 that you requested after you were provided the  2 file to review?  3 A Yes.  4 Q The same thing about the swipes, the  5 County swipes. Were the County swipes in the  6 file for Mr. Rodriques when you actually  7 received it?  8 A I don't recall. They should have  9 been in the file when I sent it. I don't know  10 if they were in it originally.  11 Q So Ms. Francis did ultimately send  12 you those November 17th punches; correct?  13 A Yes.  14 (Whereupon a document was identified as  15 Plaintiff's Exhibit 15.)  16 Q Exhibit 15 is an e-mail from you to  17 Mr. De La Torre dated December 18th, 2012, at  18 12:44. And you say to him, "Please see the  19 attached punches." Did you send him some of  20 the punches that you had received from  21 Ms. Francis?  22 A It appears that way, yes.  23 Q You don't remember, though?  24 A Specifically, no. By reading the  25 e-mail, yes, that's what occurred.</p>
<p style="text-align: right;">108</p> <p>1 yeah, that the 17th was not on the report sheet  2 that you received for punches; correct?  3 A Well, there were several that  4 weren't, according to this e-mail.  5 Q So you had to request from her his  6 punches because he had already been suspended;  7 correct?  8 A The data, yes.  9 Q Because you couldn't get them out of  10 Kronos because he had already been suspended?  11 A I would not have been able to get  12 them out of Kronos, period. I don't have  13 access to Kronos. But our attendance  14 coordinator would not have been.  15 Q And so you had not seen any of his  16 punches. Or let me ask it a different way.  17 Were any of his punches printed  18 prior to this request to your knowledge?  19 A Not to my knowledge.  20 Q So when you got the RFT file, the  21 punches, the Kronos punches for Mr. Rodriques,  22 would they have been in that file at the time  23 you received it?  24 A No.  25 Q So the Kronos punches is something</p>	<p style="text-align: right;">110</p> <p>1 Q And then you point out to him, "In  2 the RFT it states: November 10th, County swipe  3 at 14:27 and punch in at 14:28." Do you see  4 that?  5 A Yes.  6 Q Would there have been a problem if  7 the County swipe was 14:27 and the punch in was  8 14:28?  9 A I would want -- yes.  10 Q What would have been the problem?  11 A It takes more than a minute to get  12 from where the bus swipe would be to the time  13 clock.  14 Q How many minutes does it normally  15 take to your knowledge?  16 A On average, I would -- I mean, I've  17 never rode the bus. But from what I hear from  18 employees, you know, roughly five minutes.  19 Q And so you bring it to his attention  20 that there seemed to be some problem with the  21 November 10th date that was in his list of four  22 dates that were problematic with  23 Mr. Rodriques. Am I correct in that?  24 A Yes.  25 Q Did Mr. De La Torre respond to you</p>

<p style="text-align: right;">111</p> <p>1 in e-mail, to the best of your remembrance, in 2 regard to these punches? 3 A I don't recall. 4 Q So in fact, at the stage that 5 Mr. De La Torre sent you the RFT file, it was 6 incorrect in regard to that November 10th date? 7 A Yes. 8 (Whereupon a document was identified as 9 Plaintiff's Exhibit 16.) 10 Q Exhibit 16 is a memo dated December 11 15th of 2012 from Mr. De La Torre to 12 Mr. Sarsour. Do you see that? 13 A Yes. 14 Q And again we have Mr. De La Torre 15 listing those four dates that were at issue for 16 Mr. Rodriques; correct? 17 A Yes. 18 Q And we know that ultimately that 19 November 10th date was the incorrect actual 20 date; correct? 21 A Yes. 22 Q And it did get corrected at some 23 later point; right? 24 A Yes. 25 Q And that was before it was sent to</p>	<p style="text-align: right;">113</p> <p>1 A No. 2 Q But it does have the date changed, 3 and the date was changed from November 10th to 4 November 8th; correct? 5 A Yes. 6 Q And it indicates County swipe at 7 employee lot 14:27. And then above that is 8 14:24 and a few seconds written in. Do you see 9 that? 10 A Yes. 11 Q Do you recall there being an 12 instance by which it was determined that 13 Mr. Rodriques actually swiped the lot at 14:24? 14 A I don't recall that specific 15 conversation, no. 16 (Whereupon a document was identified as 17 Plaintiff's Exhibit 18.) 18 Q Plaintiff's Exhibit 18, I am going 19 to represent to you that this is what Delta has 20 indicated are swipes for Mr. Rodriques in the 21 County lot. And if you could, take a look at 22 the November 8th dates there. 23 A Uh-huh (affirmative). 24 Q And if you would, see the very first 25 November 8th date says, 14:24 and 11 seconds at</p>
<p style="text-align: right;">112</p> <p>1 corporate for final approval; correct? 2 A Yes. 3 Q Now, on that November 10th date, it 4 says County swipe at the employee lot 14:27, 5 punch in at 14:28. Do you see that? 6 A Yes. 7 Q And as you indicated, that would 8 have been a problem because it takes more than 9 a minute to get from the lot over to where the 10 clock would be; correct? 11 A Yes. 12 Q And you estimated that it would take 13 maybe five minutes to get from the one to the 14 other; correct? 15 A Yes. 16 (Whereupon a document was identified as 17 Plaintiff's Exhibit 17.) 18 Q Exhibit 17 is also dated December 19 15th, and it is a memo from Mr. De La Torre to 20 Mr. Sarsour. Do you see that? 21 A Yes. 22 Q And on this particular memo, it 23 looks a little bit different because it 24 actually has Mr. De La Torre's signature on it 25 and it doesn't have a cc line to you; correct?</p>	<p style="text-align: right;">114</p> <p>1 the bus entry lot. Do you see that? 2 A Yes. 3 Q And so that would be employee lot 4 bus entry. That would be entering into the 5 parking lot; correct? 6 A Yes. 7 Q So in fact, he did swipe at 14:24 8 and 11; correct? 9 A Yes. 10 Q Now, had you seen these swipes 11 before today? 12 A Yes. 13 Q And so at some point, did you become 14 aware that Mr. Rodriques actually swiped the 15 lot at 14:24? 16 A Yes. 17 Q And then it goes on -- and did you 18 become aware of that before the recommendation 19 for termination package was sent to corporate? 20 A Yes. 21 Q And in spite of that, the 22 correction, the date of November 8th was still 23 left on his list of perceived infractions and 24 sent to corporate? 25 A What do you mean?</p>

<p style="text-align: right;">115</p> <p>1 Q Yeah. You still told corporate that</p> <p>2 he had inconsistencies on November 8th also;</p> <p>3 right?</p> <p>4 A Yes.</p> <p>5 Q Let's look at the next entry,</p> <p>6 November 8th, 14:27 and 53 seconds, the door</p> <p>7 reader. Do you see that there?</p> <p>8 A Yes.</p> <p>9 Q Does that indicate or mean that</p> <p>10 Mr. Rodriques had gone through one of the</p> <p>11 doors?</p> <p>12 A Yes.</p> <p>13 Q At 14:27?</p> <p>14 A That's correct.</p> <p>15 Q And that was three minutes and 42</p> <p>16 seconds after he pulled into the lot?</p> <p>17 A Yes.</p> <p>18 Q So that was just about four minutes</p> <p>19 after he pulled into the lot?</p> <p>20 A Yes.</p> <p>21 Q And so what would be wrong if he --</p> <p>22 well, let me go to the next one.</p> <p>23 And then on Exhibit 17, it says he</p> <p>24 had no punch in; however, a PACE slip for 14:28</p> <p>25 start was submitted. Do you see that?</p>	<p style="text-align: right;">117</p> <p>1 fact, he swiped through another door all prior</p> <p>2 to 14:28. So what was the problem?</p> <p>3 A I don't know.</p> <p>4 Q If you could go back, and we're</p> <p>5 going to work through them a little bit more,</p> <p>6 Exhibit 16, Mr. De La Torre indicated in the</p> <p>7 paragraph under the bullet points, "After</p> <p>8 further investigation, we have come to the</p> <p>9 conclusion that this is a case of time card</p> <p>10 fraud."</p> <p>11 So was Mr. De La Torre in fact</p> <p>12 recommending Mr. Rodriques's termination</p> <p>13 because of time card fraud?</p> <p>14 A Yes.</p> <p>15 MR. TUYN: You referenced</p> <p>16 Exhibit 16. Exhibit 17 --</p> <p>17 MS. BROCK: I did.</p> <p>18 MR. TUYN: -- is the same --</p> <p>19 MS. BROCK: I know what it says,</p> <p>20 Counsel. If you have a question you want to</p> <p>21 ask her, please ask her in your redirect. I am</p> <p>22 going to get to that document. But I do not</p> <p>23 want you feeding this witness testimony.</p> <p>24 MR. TUYN: I'm not feeding</p> <p>25 testimony. I'm objecting because --</p>
<p style="text-align: right;">116</p> <p>1 A Uh-huh (affirmative).</p> <p>2 Q Yes?</p> <p>3 A Yes.</p> <p>4 Q So if he walked in the door at 14:27</p> <p>5 and 53 seconds, what was wrong with him putting</p> <p>6 14:28, a minute later, as his start time on the</p> <p>7 PACE sheet?</p> <p>8 A What was his shift start time?</p> <p>9 Q I don't know.</p> <p>10 A Oh.</p> <p>11 Q I just know that --</p> <p>12 A But you're asking me if there's an</p> <p>13 issue or not.</p> <p>14 Q No. The issue --</p> <p>15 A I would have to know the start time.</p> <p>16 Q The issue here, my understanding,</p> <p>17 and maybe you can tell me because I don't want</p> <p>18 to testify, is not that he was tardy. It was</p> <p>19 that he falsified the time, that he could not</p> <p>20 have possibly been at work at 14:28 because he</p> <p>21 wasn't in the lot.</p> <p>22 That's what I've been hearing.</p> <p>23 That's what's written on everything. He wasn't</p> <p>24 in the lot. He couldn't have possibly been</p> <p>25 here. But in fact, he was in the lot. And in</p>	<p style="text-align: right;">118</p> <p>1 MS. BROCK: Well, what's the --</p> <p>2 MR. TUYN: -- you are relying on an</p> <p>3 unsigned document.</p> <p>4 MS. BROCK: What's the objection</p> <p>5 under the Rules of Evidence? What is your</p> <p>6 objection?</p> <p>7 MR. TUYN: Lack of foundation.</p> <p>8 MS. BROCK: Then that's fine. We</p> <p>9 accept your lack of foundation objection.</p> <p>10 Thank you.</p> <p>11 Q Exhibit 17. So your testimony is</p> <p>12 that at this point you're unsure as to what the</p> <p>13 problem was with the November 8th date;</p> <p>14 correct?</p> <p>15 A That's correct.</p> <p>16 Q Did you at the time that you were</p> <p>17 working through this recommendation of</p> <p>18 termination, did it sink in with you that on</p> <p>19 that date he really had gotten here on that</p> <p>20 date?</p> <p>21 A It did not.</p> <p>22 Q And at some later point, wasn't it</p> <p>23 brought to your attention -- and it's going to</p> <p>24 come up a little bit later. Maybe in his</p> <p>25 appeal I think is where it's going to come up,</p>

<p style="text-align: right;">119</p> <p>1 and we'll get to it, so I'm not trying to 2 blindside you. 3 At some later point, didn't it come 4 to your attention that Mr. Rodriques actually 5 said that Mr. De La Torre said that November 6 8th date would not be included and he had given 7 him a piece of paper and scratched it off. Do 8 you remember that coming up? 9 A I remember that being 10 Mr. Rodriques's claim, yes. 11 Q And so now does that make a little 12 bit more sense that in fact he was told, don't 13 worry about the November 8th date, that it 14 wouldn't be included because he was actually 15 here on that date and on time? Or at least he 16 was here in time for 14:28. We don't know what 17 time his shift started that day. 18 A Can you rephrase that for me. 19 Q Sure. Doesn't it make sense that 20 Mr. Rodriques would have said, hey, he told me 21 that that date wouldn't even be considered 22 because, in fact, he was -- he was there on 23 that date? 24 A Well, I can't speak to that. I 25 wasn't in the conversation.</p>	<p style="text-align: right;">121</p> <p>1 has fraudulently submitted his time records." 2 Do you see that? 3 A Yes. 4 Q Where on Exhibit 16, he had 5 indicated that Mr. Rodriques had committed time 6 card fraud; correct? 7 A Yes. 8 Q Did you instruct Mr. De La Torre to 9 change his phrasing to fraudulently submitted 10 his time records? 11 A I don't recall that specific 12 conversation. I frequently change or make 13 recommendations for change on these. 14 Q But you don't recall? 15 A No. 16 Q Do you recall whether anyone else 17 told Mr. De La Torre to change the use of his 18 language? 19 A No, I do not. 20 (Whereupon a document was identified as 21 Plaintiff's Exhibit 19.) 22 Q Ms. Franz, you've been handed what 23 has been marked as Exhibit 19. 24 A Yes. 25 Q And it is an e-mail dated December</p>
<p style="text-align: right;">120</p> <p>1 Q Right. 2 A So. 3 Q But you can speak to whether it 4 makes sense or not that that's what occurred. 5 Did it make sense that, yeah, he said that this 6 date wouldn't even be considered? 7 A It makes sense that, based on these 8 dates, it appears as though he was there. I 9 can't draw the conclusion that it makes sense 10 that Domingo said what he said because I wasn't 11 there. 12 Q Do you recall reading in the 13 recommendation for termination file where 14 Mr. De La Torre indicated, and you quoted it to 15 corporate on an occasion or two, and I think 16 we'll get to it, that Mr. Rodriques said that 17 the November 6 date was some sort of oversight 18 and had mentioned that he was voting on that 19 day. Do you remember that? 20 A I remember that. I don't recall 21 when it occurred in the chain of events. 22 Q Now, Mr. De La Torre also made other 23 changes from Exhibit 16 to Exhibit 17. He 24 changed the description of what Mr. Rodriques 25 did to, "We have determined that Mr. Rodriques</p>	<p style="text-align: right;">122</p> <p>1 18th of 2012. And it is from you to Tyesha 2 Gray. Do you see that? 3 A Yes. 4 Q And you indicate in the e-mail to -- 5 and Ms. Gray is your direct report; correct? 6 She's your boss. She was your boss at the 7 time? 8 A Yes. 9 Q And you included Mr. Rodriques's RFT 10 HR - Time card.doc. Do you see that? 11 A Uh-huh (affirmative). 12 Q Yes? 13 A Yes. 14 Q And Mr. Rodriques's RFT OPS -- 15 operations? 16 A Yes. 17 Q -- - Time Card.doc; correct? 18 A Yes. 19 Q And in the body of the e-mail, you 20 tell Ms. Tyesha that this termination is for 21 time card fraud; correct? 22 A Yes. 23 Q So in fact, Mr. Rodriques was 24 terminated for time card fraud? 25 A Yes.</p>

<p style="text-align: right;">123</p> <p>1 (Whereupon a document was identified as</p> <p>2 Plaintiff's Exhibit 20.)</p> <p>3 Q Exhibit 20 is an e-mail dated</p> <p>4 December 21st from you to Mr. Sarsour. Do you</p> <p>5 see that?</p> <p>6 A Yes.</p> <p>7 Q Now, the content of this e-mail is</p> <p>8 blank. It has an attachment, but the actual</p> <p>9 content is blank. Do you know why this e-mail</p> <p>10 is blank?</p> <p>11 A No.</p> <p>12 Q Was it typical for you to send</p> <p>13 Mr. Sarsour an e-mail with no content?</p> <p>14 A Yes.</p> <p>15 Q Why?</p> <p>16 A We might have been on the phone. It</p> <p>17 could be a variety of reasons. He may have</p> <p>18 asked me in person for a copy of it. A wide</p> <p>19 variety of reasons why I would send an e-mail</p> <p>20 without -- he knows why it's coming.</p> <p>21 (Whereupon a document was identified as</p> <p>22 Plaintiff's Exhibit 21.)</p> <p>23 Q Plaintiff's Exhibit 21 is an e-mail</p> <p>24 dated January 9th of 2013, and it's from Lisa</p> <p>25 Ali to Mr. De La Torre and Mr. Sarsour with you</p>	<p style="text-align: right;">125</p> <p>1 attest to that.</p> <p>2 Q Do you know who informed him of his</p> <p>3 termination?</p> <p>4 A I don't recall.</p> <p>5 (Whereupon a document was identified as</p> <p>6 Plaintiff's Exhibit 22.)</p> <p>7 Q Exhibit 22, an e-mail from you to</p> <p>8 Mr. Kriksciun, and it's dated January 9th of</p> <p>9 2013. And you say, "Here is the one for</p> <p>10 Rodriques." What did you mean by, "Here is the</p> <p>11 one"? Were you sending him multiple</p> <p>12 recommendations for termination, or do you</p> <p>13 remember what was going on?</p> <p>14 A I don't recall.</p> <p>15 (Whereupon a document was identified as</p> <p>16 Plaintiff's Exhibit 23.)</p> <p>17 Q Exhibit 23, it is an e-mail from you</p> <p>18 to Lisa Ali dated January 10th of 2013;</p> <p>19 correct?</p> <p>20 A Yes.</p> <p>21 Q And so this e-mail is you notifying</p> <p>22 corporate that Mr. Rodriques was told about the</p> <p>23 termination; correct?</p> <p>24 A Yes.</p> <p>25 Q And you indicated that you're not</p>
<p style="text-align: right;">124</p> <p>1 cc'd as well as Ms. Gray. Do you see that?</p> <p>2 A Yes.</p> <p>3 Q Who is Lisa Ali?</p> <p>4 A She was the ACS -- I think her title</p> <p>5 was coordinator.</p> <p>6 Q And what does ACS stand for?</p> <p>7 A Airport customer service.</p> <p>8 Q And is she located here in Atlanta?</p> <p>9 A She was.</p> <p>10 Q Or was she?</p> <p>11 A Yes.</p> <p>12 Q Is she still located in Atlanta?</p> <p>13 A No.</p> <p>14 Q Is she still an employee of Delta to</p> <p>15 the best of your knowledge?</p> <p>16 A No, she's not.</p> <p>17 Q And Ms. Ali instructed</p> <p>18 Mr. De La Torre and Mr. Sarsour and yourself</p> <p>19 and Ms. Gray via cc to inform Mr. Rodriques</p> <p>20 that he could appeal the termination decision;</p> <p>21 correct?</p> <p>22 A Yes.</p> <p>23 Q And was Mr. Rodriques informed that</p> <p>24 he could appeal the termination decision?</p> <p>25 A I wasn't on that call, so I can't</p>	<p style="text-align: right;">126</p> <p>1 the one who actually told him; right?</p> <p>2 A I don't think I indicated that, but</p> <p>3 I was not.</p> <p>4 Q Oh, because you told me you weren't</p> <p>5 sure who told him and --</p> <p>6 A Okay.</p> <p>7 Q -- who -- you're not getting ready</p> <p>8 to drive me crazy. I'm doing the best I can.</p> <p>9 So you didn't tell him, and you don't recall</p> <p>10 who told him?</p> <p>11 A That's correct.</p> <p>12 (Whereupon a document was identified as</p> <p>13 Plaintiff's Exhibit 24.)</p> <p>14 Q Exhibit 24 is an e-mail from you to</p> <p>15 Ms. Kelley Nabors regarding an appeal for</p> <p>16 Jerick Rodriques. Who is Kelley Nabors?</p> <p>17 A Kelley Nabors is part of our equal</p> <p>18 opportunity department.</p> <p>19 Q Does the equal opportunity</p> <p>20 department investigate the appeals of</p> <p>21 terminations? Is that part of their duties?</p> <p>22 A Yes.</p> <p>23 Q Going to the second page, the</p> <p>24 earlier of the e-mails, the April 1st e-mail</p> <p>25 between you and Ms. Nabors, she mentioned to</p>



<p style="text-align: right;">127</p> <p>1 you -- here's where you were told that</p> <p>2 Mr. Rodriques said that he was told the</p> <p>3 November 8th date would not be included and</p> <p>4 that Mr. De La Torre had scratched off that</p> <p>5 date and given him the slip; correct?</p> <p>6 A Yes.</p> <p>7 Q And she asked you to follow up with</p> <p>8 Mr. De La Torre and with Carla Bell; correct?</p> <p>9 A Yes.</p> <p>10 Q Who is Carla Bell?</p> <p>11 A She's a performance leader or was.</p> <p>12 Q Is she still an employee of Delta?</p> <p>13 A Yes.</p> <p>14 Q What is her current position?</p> <p>15 A I don't know. She's not a</p> <p>16 performance leader anymore. I'm not sure what</p> <p>17 her actual title is.</p> <p>18 Q Did she go up or down?</p> <p>19 A I don't know. She took a corporate</p> <p>20 position, so I don't know if it was up, down,</p> <p>21 or sideways.</p> <p>22 Q Okay. Is she out here now?</p> <p>23 A I don't know where she's physically</p> <p>24 located.</p> <p>25 Q Now, I understand that Ms. Bell was</p>	<p style="text-align: right;">129</p> <p>1 that you spoke with Mr. De La Torre and that he</p> <p>2 doesn't have any recollection of any of that;</p> <p>3 correct?</p> <p>4 A Yes.</p> <p>5 Q Also in this e-mail is where you</p> <p>6 indicate that this conversation between</p> <p>7 Mr. De La Torre and Mr. Rodriques should have</p> <p>8 been placed in Mr. Rodriques's journal. But</p> <p>9 based on her question, it looks like it might</p> <p>10 not be there; correct?</p> <p>11 A Correct.</p> <p>12 Q Did you ever pull his journal to see</p> <p>13 if it was there?</p> <p>14 A I wouldn't have had the journal at</p> <p>15 this point. It would have gone with the file.</p> <p>16 Q And do you recall seeing this</p> <p>17 conversation in the journal?</p> <p>18 A I don't recall.</p> <p>19 Q And you re-quote -- well, let me ask</p> <p>20 it. The paragraph that starts with, "During</p> <p>21 the interview, I questioned," is that a cut and</p> <p>22 paste of Mr. De La Torre's e-mail to you at</p> <p>23 some earlier point?</p> <p>24 A According to this e-mail, yeah. It</p> <p>25 says it was a e-mail I received from him the</p>
<p style="text-align: right;">128</p> <p>1 on medical during this time. Did you ever</p> <p>2 confer with Ms. Bell after she returned from</p> <p>3 medical as to this scratching off of that</p> <p>4 8th date and this slip of paper?</p> <p>5 A Not that I recall.</p> <p>6 Q And Mr. De La Torre, according to</p> <p>7 your e-mail, said that he didn't have any</p> <p>8 recollection of telling him that that date</p> <p>9 wouldn't count and scratching off and giving</p> <p>10 any papers; correct?</p> <p>11 A That's not in this e-mail.</p> <p>12 Q All right. Give me a second. I'll</p> <p>13 have it for you. But you did follow up with</p> <p>14 Mr. De La Torre?</p> <p>15 A Yes.</p> <p>16 Q And he did in fact tell you that he</p> <p>17 didn't remember giving him anything; correct?</p> <p>18 A That's -- yes, that's my -- yes.</p> <p>19 (Whereupon a document was identified as</p> <p>20 Plaintiff's Exhibit 25.)</p> <p>21 Q I have the e-mail. I do actually</p> <p>22 have it. Exhibit 25, Ms. Franz, is the e-mail.</p> <p>23 A Thank you.</p> <p>24 Q You're welcome. It's dated April</p> <p>25 8th of 2013, and it's where you tell Ms. Nabors</p>	<p style="text-align: right;">130</p> <p>1 day of suspension.</p> <p>2 Q Yeah. I just didn't -- I want to</p> <p>3 ask you about it, but I didn't want to make the</p> <p>4 leap that this was not you talking because it</p> <p>5 doesn't have quotation marks.</p> <p>6 A Oh, yeah. No.</p> <p>7 Q So I just wanted you to say that.</p> <p>8 A Okay.</p> <p>9 Q I knew it wasn't, but I needed you</p> <p>10 to say it.</p> <p>11 A Okay.</p> <p>12 Q And you were letting Ms. Nabors know</p> <p>13 that Mr. De La Torre says he admitted to</p> <p>14 turning in the slip on the 5th for a start time</p> <p>15 of 14:28; correct?</p> <p>16 A Correct.</p> <p>17 Q But in reality, he wasn't on the</p> <p>18 premises until 16:19. And he said it was some</p> <p>19 sort of oversight; correct?</p> <p>20 A Yes.</p> <p>21 Q Did you know at that point that this</p> <p>22 oversight that occurred on that day had</p> <p>23 anything to do with him being voting -- voting</p> <p>24 on that day, that it was Election Day?</p> <p>25 A At what point?</p>

<p style="text-align: right;">131</p> <p>1 Q At this point, did you know?</p> <p>2 A No.</p> <p>3 Q At some later point, did you come to</p> <p>4 know that Mr. Rodriques was saying, I was out</p> <p>5 voting that day, and there was -- this is just</p> <p>6 a mistake?</p> <p>7 A Yes.</p> <p>8 Q When did you become aware of that?</p> <p>9 A I don't recall timing.</p> <p>10 Q Was it before or after you</p> <p>11 recommended his termination?</p> <p>12 A After.</p> <p>13 Q How did you become aware?</p> <p>14 A I don't -- I don't recall. I just</p> <p>15 remember that conversation.</p> <p>16 Q Were you aware that Mr. Rodriques</p> <p>17 had notified his PL, Mr. Ortiz, that he was</p> <p>18 running late that day?</p> <p>19 A That was the conversation.</p> <p>20 Q When you say, "that was the</p> <p>21 conversation," what are you meaning? Is that</p> <p>22 the conversation you're recalling where you</p> <p>23 found out that he was saying he was voting?</p> <p>24 A Yes.</p> <p>25 Q And you found out in the context of</p>	<p style="text-align: right;">133</p> <p>1 Q And if Mr. Ortiz, and this is -- in</p> <p>2 all fairness, I don't have testimony to this.</p> <p>3 I'm not trying to tell you that this occurred.</p> <p>4 I just have a question based on what happened</p> <p>5 with Mr. Culpepper.</p> <p>6 If Mr. Ortiz can say that he gave</p> <p>7 Mr. Rodriques permission to sign in at 14:28 on</p> <p>8 that day, would this now not be time card</p> <p>9 fraud? And if the question doesn't make sense,</p> <p>10 let me take you back to your testimony.</p> <p>11 You testified that, because</p> <p>12 Mr. Culpepper gave Mr. Conover permission to</p> <p>13 stay punched in on the clock and to go over and</p> <p>14 do whatever Mr. Conover was doing that day,</p> <p>15 that that would not be time card fraud because</p> <p>16 he had permission from his PL to do so.</p> <p>17 A Uh-huh (affirmative).</p> <p>18 Q So my -- yes? Yes?</p> <p>19 A Yes.</p> <p>20 Q So my question to you is: If</p> <p>21 Mr. Ortiz gave Mr. Rodriques that same kind of</p> <p>22 permission, November 6 would not have been</p> <p>23 considered time card fraud; correct?</p> <p>24 MR. TUYN: Just a foundational</p> <p>25 objection. It's not what the evidence is in</p>
<p style="text-align: right;">132</p> <p>1 him -- someone saying, I know right now --</p> <p>2 A Yeah.</p> <p>3 Q -- you're not able to remember who,</p> <p>4 but someone saying he called in to Mr. Ortiz</p> <p>5 and told him that he was voting. He was</p> <p>6 running late because he was voting.</p> <p>7 A Yes.</p> <p>8 Q Did you ever speak to Mr. Ortiz</p> <p>9 about Mr. Rodriques's claim that he had been</p> <p>10 texting him that day, letting him know he was</p> <p>11 going to be late, that this wasn't a secret,</p> <p>12 that he had been telling his PL that he was</p> <p>13 going to be late that day?</p> <p>14 A I did talk to Mr. Ortiz, yes.</p> <p>15 Q Did Mr. Ortiz confirm that</p> <p>16 Mr. Rodriques had been telling him that he was</p> <p>17 going to be late that day?</p> <p>18 A He remembered the conversation, yes.</p> <p>19 I didn't get the specifics of what that</p> <p>20 conversation was.</p> <p>21 Q Did he indicate that he had approved</p> <p>22 Mr. Rodriques to be late that day because he</p> <p>23 was out voting?</p> <p>24 A I don't know that he said approved.</p> <p>25 He said he was aware.</p>	<p style="text-align: right;">134</p> <p>1 the case.</p> <p>2 MS. BROCK: Okay. That's not what</p> <p>3 your interpretation of the evidence is, but I'm</p> <p>4 not representing that to her. That's for</p> <p>5 argument's sake.</p> <p>6 MR. TUYN: The way you phrased it</p> <p>7 was that he gave him permission to put --</p> <p>8 MS. BROCK: I asked the question.</p> <p>9 MR. TUYN: -- 14:28 down on his time</p> <p>10 card.</p> <p>11 MS. BROCK: I asked the question,</p> <p>12 and I said to her I'm not representing anything</p> <p>13 as fact to her before I even started the</p> <p>14 question. But go ahead. Because that's going</p> <p>15 to be my argument, and I don't want to put that</p> <p>16 on you.</p> <p>17 MR. TUYN: All right. Well,</p> <p>18 official objection --</p> <p>19 Q So my question is --</p> <p>20 MR. TUYN: -- that you're asking the</p> <p>21 witness to speculate.</p> <p>22 MS. BROCK: Okay. Now that's a good</p> <p>23 one.</p> <p>24 Q So my question to you is, is that,</p> <p>25 if Mr. Ortiz actually gave Mr. Rodriques</p>

<p style="text-align: right;">135</p> <p>1 permission to put 14:28 on his time card even 2 though he didn't get here until 16:19, would 3 that still be time card fraud? 4 A I'm just thinking through. 5 Q Please. 6 A So you're stating that he, 7 Mr. Ortiz, said, I know you weren't here, put 8 the 14:28 on your time card, and I'll pay you 9 for the time that you were voting. 10 Q Only -- 11 A Then yes, I would say that would not 12 have been time card fraud. 13 Q And I'm only willing to go that far 14 if you're saying Mr. Culpepper told 15 Mr. Conover, you can stay punched in and get 16 paid even though you're going to go somewhere 17 else. 18 MR. TUYN: Well, and that's not in 19 evidence either. So lack of foundation to 20 that. 21 MS. BROCK: She testified that her 22 understanding was that Mr. Culpepper gave him 23 permission. I don't want to say to go sleep 24 because she didn't say to go sleep, so I said 25 to go somewhere else because I didn't want to</p>	<p style="text-align: right;">137</p> <p>1 So if Mr. Ortiz gave Mr. Rodriques 2 permission to put 14:28 on his time card, would 3 that now not be time card fraud? 4 A He had authorization from his PL. 5 No. 6 Q If you could, turn back to 7 Exhibit 17. It's really 16 and 17. But for 8 Attorney Tuyn's consideration, we'll focus on 9 Exhibit 17. Mr. De La Torre indicated that 10 during the investigation of Mr. Rodriques's 11 payroll records, multiple time discrepancies, 12 none of which he has been able to explain. You 13 see that there? 14 A Yes. 15 Q Didn't Mr. Rodriques in fact explain 16 one of his -- at least one, because we don't 17 know the conversation as to the 8th, the 18 November 8th date. But as for the November 6th 19 date, didn't he explain that that was some sort 20 of oversight? I'm not even talking about going 21 into the election stuff. 22 A He said it could have been an 23 oversight. 24 Q So that is an explanation; correct? 25 I mean, Mr. De La Torre may not have believed</p>
<p style="text-align: right;">136</p> <p>1 put that word in your mouth. 2 But that was her testimony, that 3 Mr. Culpepper gave him permission and that 4 that's why it was not time card fraud. I just 5 asked the very same thing in regard to 6 Mr. Rodriques. 7 Q If his PL, Mr. Ortiz, gave him 8 permission, would it not be time card fraud? 9 A Gave him permission to be paid for 10 voting and -- 11 Q Paid. Paid, period. 12 A -- and gave that authorization -- 13 Q Paid, period. 14 A I'm -- 15 MR. TUYN: That wasn't what the 16 question was. The question was gave him 17 permission to put 14:28 down on a time card. 18 Q I like that question better, so 19 let's stick with it, to put 14:28 on his time 20 card. 21 A I'm not sure I understand the 22 question. 23 Q Yeah. I like his question much 24 better than mine. His is way better than 25 mine.</p>	<p style="text-align: right;">138</p> <p>1 it, but it was an explanation; correct? 2 A I'm not sure that I would consider 3 that an explanation. It could have been an 4 oversight on his part. I mean, that's what 5 he's stating, but I don't know that I would 6 consider that an explanation. 7 Q But at some point, an actual 8 explanation was proffered, correct, or given, 9 correct, as far as him voting, him talking to 10 Ortiz? Some explanation for the November 6 11 date was given at some later point; correct? 12 A I recall that. I don't remember 13 when that was. 14 Q But you don't know when it was? 15 A Right. 16 Q But you know at some later point an 17 explanation was actually provided for that? 18 A Yes. 19 MR. TUYN: Are we at a point where 20 we can take a break? 21 MS. BROCK: Yeah. Now's fine. 22 (Proceedings in recess, 12:22 p.m to 23 12:37 p.m.) 24 (Whereupon a document was identified as 25 Plaintiff's Exhibit 26.)</p>



<p style="text-align: right;">139</p> <p>1 Q Ms. Franz, you have been handed what</p> <p>2 has been marked as Exhibit 26, and it is a</p> <p>3 document that the first block on it is dated</p> <p>4 January 28th of 2013. And it says, "Received</p> <p>5 appeal." Do you see that there?</p> <p>6 A Yes.</p> <p>7 Q Have you ever seen this document</p> <p>8 before today?</p> <p>9 A Yes.</p> <p>10 Q Did you see it before yesterday?</p> <p>11 A No.</p> <p>12 Q And you did not draft this document</p> <p>13 then; correct?</p> <p>14 A No, I did not.</p> <p>15 Q If you could turn to the second</p> <p>16 page, and approximately in the middle of the</p> <p>17 page there's a small paragraph, a one-sentence</p> <p>18 paragraph that says, "Jerrick also said that</p> <p>19 Domingo told him not to worry about the</p> <p>20 November 8th, 2012, date. And he scratched off</p> <p>21 the date and gave the slip to Jerrick to keep."</p> <p>22 Do you see that?</p> <p>23 A Yes.</p> <p>24 Q Who provided this information to</p> <p>25 Ms. Nabors?</p>	<p style="text-align: right;">141</p> <p>1 so, but.</p> <p>2 Q Oh, okay. And then she also says in</p> <p>3 italics a little bit further down, "I received</p> <p>4 an investigation summary from HR that explains</p> <p>5 the difference between all of the employees and</p> <p>6 why two employees were not terminated and the</p> <p>7 action they were placed on. The two who were</p> <p>8 not terminated had different circumstances than</p> <p>9 those who were terminated." Do you see that</p> <p>10 there?</p> <p>11 A Yes.</p> <p>12 Q Did you provide her with the</p> <p>13 investigation summary?</p> <p>14 A I don't recall doing that, but I</p> <p>15 very well could have.</p> <p>16 Q Was there someone else under your</p> <p>17 supervision that Ms. Nabors would have been in</p> <p>18 touch with during an appeal investigation?</p> <p>19 A No.</p> <p>20 Q So when she says HR, in essence</p> <p>21 she's saying Ms. Franz. Am I correct?</p> <p>22 A Yes. I think that's a fair</p> <p>23 assumption.</p> <p>24 Q So at least in her notes, she's</p> <p>25 saying it was you that sent her the</p>
<p style="text-align: right;">140</p> <p>1 A I don't know.</p> <p>2 Q And I do know that there was an</p> <p>3 e-mail that we talked about a little bit</p> <p>4 earlier where you told Ms. Nabors on April 8th</p> <p>5 of 2013 that Mr. De La Torre didn't remember</p> <p>6 anything about scratching anything off. But</p> <p>7 you don't know who actually informed her in the</p> <p>8 first place.</p> <p>9 You don't have personal knowledge.</p> <p>10 I think she tells us, but you don't have</p> <p>11 personal knowledge of who told her that?</p> <p>12 A No.</p> <p>13 MR. TUYN: Well, the document itself</p> <p>14 is talking about a conversation that EO had</p> <p>15 with Jerrick Rodriques.</p> <p>16 MS. BROCK: I get it. I just wanted</p> <p>17 to know if she had any personal knowledge about</p> <p>18 it.</p> <p>19 Q And then she puts in parentheses,</p> <p>20 "follow up on this comment has been requested</p> <p>21 from HR." And that's referring to the e-mail</p> <p>22 that she sent you asking you to talk to Carla</p> <p>23 Bell and to Mr. De La Torre. Am I correct in</p> <p>24 that?</p> <p>25 A I didn't write that. I would assume</p>	<p style="text-align: right;">142</p> <p>1 investigation summary for Conover and</p> <p>2 Culpepper; correct?</p> <p>3 A No. It doesn't say who.</p> <p>4 Q Well, it just says why the two</p> <p>5 employees were not terminated. I don't know of</p> <p>6 any other two. Do you know of any other two</p> <p>7 that were not terminated?</p> <p>8 A Are there two -- there's lots of</p> <p>9 employees who were not terminated.</p> <p>10 Q Of the two employees that were not</p> <p>11 terminated in regard -- oh, the paragraph above</p> <p>12 says Chris Culpepper and Jason Conover. So as</p> <p>13 to those two individuals, did you send the</p> <p>14 investigation summary from HR? Did you send</p> <p>15 her an -- well, do you recall sending her an</p> <p>16 investigation summary?</p> <p>17 A I don't recall specifically doing</p> <p>18 that.</p> <p>19 Q Do you recall informing her that the</p> <p>20 two who were not terminated had different</p> <p>21 circumstances?</p> <p>22 A I remember having that conversation,</p> <p>23 yes.</p> <p>24 Q And what about their circumstances</p> <p>25 were different from Mr. Rodriques?</p>

<p style="text-align: right;">143</p> <p>1 A With Chris Culpepper and Jason 2 Conover, I think the two differentiating 3 factors were that Mr. Culpepper provided 4 Mr. Conover the authorization as well as the 5 fact that it was a one-time incident, if I 6 recall correctly. 7 Q But you don't remember seeing any of 8 Mr. Conover or Mr. Culpepper's swipes or Kronos 9 punches, do you, County swipes or Kronos 10 punches? 11 A No. 12 Q So how do you know it was a one-time 13 incident with the two of them? 14 A Based on the investigation that was 15 conducted by the leader. 16 Q So not an investigation you looked 17 into or conducted; correct? 18 A Correct. 19 Q Based on what someone else told 20 you -- 21 A It was a one -- 22 Q -- this was a one-time thing? 23 A Correct. 24 Q Do you know whether they looked at 25 Mr. Culpepper's or Mr. Conover's punches and</p>	<p style="text-align: right;">145</p> <p>1 requested those swipes from the County; 2 correct? 3 A They wouldn't have been able to do 4 it. It would have probably been the attendance 5 coordinator who would have done so, yes. 6 Q And she can't do it either. She has 7 to go to the person who has that authority to 8 be able to actually e-mail over to Wayne 9 County; correct? 10 A Okay. Yeah. 11 Q So through the chain, they did 12 request some swipes, because I'm -- I'm still 13 working with Wayne County to get these swipes. 14 And so you're saying that you know somebody 15 told you, you don't know who at Delta, that 16 they looked at the swipes from Mr. Conover and 17 Mr. Culpepper during this period of time? 18 A Yes. 19 Q And after comparing those swipes to 20 the Kronos time clocks, they said that there 21 was no other incident other than this one 22 incident that we're talking about in November 23 2012? 24 A Correct. 25 Q So you gave me two reasons that the</p>
<p style="text-align: right;">144</p> <p>1 swipes? 2 A They did, yes. 3 Q When I say "punches," I mean Kronos. 4 When I say "swipes," I mean County swipes. 5 A Yes. 6 Q How do you know that? 7 A They told me that. 8 Q Yeah. But they didn't tell you that 9 they docked their pay, so you're saying that 10 you believe what they told you? 11 A Absolutely. 12 Q So they told you -- and which is the 13 "they"? Who actually said they looked at them? 14 A I don't recall specifically, but I 15 believe it was in the e-mail communication. 16 Q I don't have any e-mails regarding 17 Conover and Culpepper, so. 18 A Oh, okay. I don't recall where that 19 took place, but I do remember asking that 20 question. 21 Q Somebody, but you don't know who, 22 told you that they looked at Conover's and 23 Culpepper's punches and swipes? 24 A Yes. 25 Q And they would have had to have</p>	<p style="text-align: right;">146</p> <p>1 situation was different. One was because 2 Culpepper actually gave Conover permission; 3 correct? 4 A Yes. 5 Q If Culpepper gave Conover 6 permission, why did they dock his pay, 7 Conover's pay? 8 A I can't speak to that. I didn't 9 make that decision. 10 Q And as far as the situation with 11 Mr. Culpepper and Mr. Culpepper not working for 12 part of his shift, what happened with 13 Mr. Culpepper, do you still consider that to be 14 different? 15 I know you didn't know at the time. 16 But do you still consider that as being 17 different from what happened with 18 Mr. Rodriques? 19 A Yes. 20 Q And how so? 21 A It was one day. 22 Q So it was okay that he punched in, 23 did not work, was docked for that pay because 24 he only did it once? 25 A I didn't say it was okay. I said it</p>

<p style="text-align: right;">147</p> <p>1 was different.</p> <p>2 Q So the defining factor for</p> <p>3 Mr. Rodriques is the number of incidents. Am I</p> <p>4 correct?</p> <p>5 A In addition to -- yeah, I mean, that</p> <p>6 was one of the factors, yes.</p> <p>7 Q What were the other factors?</p> <p>8 A I don't have the file to look at it.</p> <p>9 Was there --</p> <p>10 Q I do. Would you like to see it? I</p> <p>11 have it, unless you can answer me.</p> <p>12 A Okay. Ask me the question again.</p> <p>13 Sorry.</p> <p>14 Q Sure. You said that it was</p> <p>15 different because it was one instance for</p> <p>16 Mr. Conover and one instance for Mr. Culpepper,</p> <p>17 that that was one of the things that made it</p> <p>18 different from what Mr. Rodriques did.</p> <p>19 I asked, so the difference was the</p> <p>20 number of instances? And you said, that among</p> <p>21 other things. I said, what else was different?</p> <p>22 A I would say that is what was</p> <p>23 different.</p> <p>24 MS. BROCK: Counsel, in addition to</p> <p>25 not receiving any investigation summary, we</p>	<p style="text-align: right;">149</p> <p>1 receive it. I know you received that.</p> <p>2 MS. BROCK: Yeah, but it didn't go</p> <p>3 to Ms. Nabors. I don't have a communication</p> <p>4 where that document was sent to Ms. Nabors.</p> <p>5 And Ms. Nabors says it was sent to her. And so</p> <p>6 I don't have that. And if I did, I would have</p> <p>7 read it and I would have noted this is what it</p> <p>8 is and I wouldn't even be asking these</p> <p>9 questions.</p> <p>10 MR. TUYN: And, you know, if it was</p> <p>11 sent to her, I don't know how it was sent to</p> <p>12 her.</p> <p>13 MS. BROCK: Exactly. All I'm</p> <p>14 asking --</p> <p>15 MR. TUYN: It could have just been</p> <p>16 faxed to her. There might not be a cover</p> <p>17 e-mail.</p> <p>18 MS. BROCK: All I'm asking is that</p> <p>19 you go back and look, Counsel. If there are</p> <p>20 faxing documents, then there should be a fax</p> <p>21 confirmation form. There should be something</p> <p>22 that can support a statement in an</p> <p>23 investigation, this is an investigation that</p> <p>24 was occurring, that she received this</p> <p>25 information.</p>
<p style="text-align: right;">148</p> <p>1 also didn't receive any e-mails where these</p> <p>2 documents were sent from Detroit to Atlanta or</p> <p>3 any communications back and forth in regard to</p> <p>4 those documents.</p> <p>5 MR. TUYN: I don't know what you're</p> <p>6 referring to.</p> <p>7 MS. BROCK: I'm specifically</p> <p>8 referring to an investigation summary from HR</p> <p>9 regarding Chris Culpepper and Jason Conover and</p> <p>10 the fact that it was sent to Ms. Nabors by HR,</p> <p>11 which is Ms. Franz.</p> <p>12 MR. TUYN: It doesn't say an</p> <p>13 investigation summary regarding Culpepper and</p> <p>14 Conover. It says an investigation summary</p> <p>15 which explained the difference. So as far as I</p> <p>16 know, it may have been referring to the same</p> <p>17 information that this witness provided in</p> <p>18 investigating the hot line complaints where she</p> <p>19 differentiated between the two.</p> <p>20 That may have been the summary she</p> <p>21 sent. I don't know. It doesn't --</p> <p>22 MS. BROCK: Well, we can speculate</p> <p>23 all day long. If it was produced, we would</p> <p>24 know.</p> <p>25 MR. TUYN: Well, you say you didn't</p>	<p style="text-align: right;">150</p> <p>1 And I don't have anything showing</p> <p>2 that she received anything. I don't know what</p> <p>3 she received. I only know it was from</p> <p>4 Ms. Franz because she's saying that she's HR.</p> <p>5 MR. TUYN: All right. Well, if we</p> <p>6 need to supplement our discovery request, I'll</p> <p>7 take a look at it.</p> <p>8 MS. BROCK: I'd appreciated it.</p> <p>9 MR. TUYN: But we don't have to</p> <p>10 argue it today.</p> <p>11 MS. BROCK: I'd appreciated it.</p> <p>12 Thank you.</p> <p>13 MR. TUYN: I mean, as far as I know,</p> <p>14 investigation summary may have been a summary</p> <p>15 phone conversation.</p> <p>16 MS. BROCK: It could be.</p> <p>17 MR. TUYN: Where there wouldn't be</p> <p>18 any documentation.</p> <p>19 MS. BROCK: It could be, except that</p> <p>20 she said she received it. And I've never heard</p> <p>21 anyone talk about receiving conversations. So</p> <p>22 all I want is the information, Counsel, really.</p> <p>23 Q If you would look at what is Bates</p> <p>24 stamped as page 61 at the bottom, it starts at</p> <p>25 the bottom, so don't get comfortable on this</p>

<p style="text-align: right;">151</p> <p>1 page because we're really going to flip.</p> <p>2 A Okay.</p> <p>3 Q But I just wanted to take you where</p> <p>4 we started. April 15th, 2013. It says, "Hey,</p> <p>5 Barb. Can you tell me if there has been an</p> <p>6 incident with Lance Dowdell this year that</p> <p>7 would seemingly be WPV?" What does WPV stand</p> <p>8 for?</p> <p>9 A Workplace violence.</p> <p>10 Q Was there an incident with a Lance</p> <p>11 Dowdell?</p> <p>12 A I don't recall that name.</p> <p>13 Q Did you ever respond to Ms. Nabors?</p> <p>14 I don't see a response from you in her chain of</p> <p>15 stuff that was occurring.</p> <p>16 A I don't recall that.</p> <p>17 Q You don't recall whether you</p> <p>18 responded to her?</p> <p>19 A Yeah. No, I don't. That name is</p> <p>20 familiar, but I don't recall the specifics.</p> <p>21 MS. BROCK: Again, Counsel, and I'm</p> <p>22 not being difficult, but if when you look for</p> <p>23 the Conover-Culpepper information, if you could</p> <p>24 check the electronic data at Delta to see about</p> <p>25 a response to Ms. Nabors' inquiry here as to</p>	<p style="text-align: right;">153</p> <p>1 and Tyesha Gray. And you indicate that you</p> <p>2 have two compliance call, anonymous, on this</p> <p>3 issue and that you're collecting data. Do you</p> <p>4 see that?</p> <p>5 A Yes.</p> <p>6 Q And that was in response -- let me</p> <p>7 back up because these e-mails start from the</p> <p>8 bottom up. This was in response to a January</p> <p>9 9th inquiry by Ms. LeeAustin to Ms. Gray and</p> <p>10 you being cc'd saying that she had received a</p> <p>11 call from Mr. Rodriques. And he mentioned the</p> <p>12 two non-minority employees and what had</p> <p>13 happened with them; correct?</p> <p>14 A Yes.</p> <p>15 Q So Mr. Rodriques had made the</p> <p>16 company aware himself directly to</p> <p>17 Ms. LeeAustin that he felt that the two white</p> <p>18 employees were treated differently. He wants</p> <p>19 to understand why he's being treated</p> <p>20 differently than his non-minority peers.</p> <p>21 So he made the company aware that he</p> <p>22 felt that the two white employees were being</p> <p>23 treated differently; correct?</p> <p>24 A Yes.</p> <p>25 Q You then provide somewhat of a</p>
<p style="text-align: right;">152</p> <p>1 Mr. Dowdell in that Mr. Rodriques included him</p> <p>2 in his appeal.</p> <p>3 Q Were you able to confirm or deny</p> <p>4 that there was a comment from those at the</p> <p>5 Detroit location that they were keeping the</p> <p>6 Lance Dowdell situation "away from ATL because</p> <p>7 they don't want the top dogs asking what the</p> <p>8 hell you are doing"?</p> <p>9 A I don't recall that.</p> <p>10 Q Were you able to confirm it or not?</p> <p>11 A I don't remember this e-mail at all.</p> <p>12 Q What race was Lance Dowdell?</p> <p>13 A I don't know.</p> <p>14 Q Now, we do know based on further</p> <p>15 down, April 8th, 2013, that effective March 4th</p> <p>16 of 2013 Lance Dowdell no longer works at Delta.</p> <p>17 Do we see that?</p> <p>18 A Yes.</p> <p>19 Q And you, sitting here today, can't</p> <p>20 recall why Mr. Dowdell is no longer employed?</p> <p>21 A I cannot.</p> <p>22 (Whereupon a document was identified as</p> <p>23 Plaintiff's Exhibit 27.)</p> <p>24 Q Exhibit 27. Ms. Franz, Exhibit 27</p> <p>25 is an e-mail from you to Cassandra LeeAustin</p>	<p style="text-align: right;">154</p> <p>1 statement in regard to what happened with</p> <p>2 Mr. Culpepper and Mr. Conover in that paragraph</p> <p>3 that starts, "These other two employees he</p> <p>4 mentions had a completely different issue." Do</p> <p>5 you see that?</p> <p>6 A Yes.</p> <p>7 Q And when you gave that explanation,</p> <p>8 you only make mention of the Culpepper removing</p> <p>9 Conover from the RTS line; correct?</p> <p>10 A Yes.</p> <p>11 Q And that's because you didn't know</p> <p>12 about him, Culpepper, being punched in and away</p> <p>13 from his work station or not working?</p> <p>14 A Correct.</p> <p>15 Q Had you known, you certainly would</p> <p>16 have told them; correct?</p> <p>17 A Told --</p> <p>18 Q Yeah.</p> <p>19 A -- Cassandra and Tyesha?</p> <p>20 Q Yeah.</p> <p>21 A Oh, absolutely.</p> <p>22 Q Yeah. Who is Ms. Cassandra</p> <p>23 LeeAustin?</p> <p>24 A She is or was a general manager in</p> <p>25 HR.</p>

<p style="text-align: right;">155</p> <p>1 Q Would she have worked here in</p> <p>2 Atlanta --</p> <p>3 A Yes.</p> <p>4 Q -- at that time? Is she still an</p> <p>5 employee of Delta?</p> <p>6 A Yes.</p> <p>7 Q And where is she now?</p> <p>8 A Still here in Atlanta.</p> <p>9 Q But she's not a general manager</p> <p>10 anymore?</p> <p>11 A She is, just in a different area.</p> <p>12 Q To the best of your knowledge, did</p> <p>13 anyone from corporate -- and when I say</p> <p>14 "anyone," I mean Ms. Nabors, Ms. Gray,</p> <p>15 Ms. LeeAustin -- conduct an independent</p> <p>16 investigation into Mr. Rodriques's claims of</p> <p>17 unfair treatment?</p> <p>18 A Not to my knowledge.</p> <p>19 Q So the information that those</p> <p>20 individuals had was the information you</p> <p>21 provided them to the best of your knowledge?</p> <p>22 A Correct.</p> <p>23 Q And you didn't have all of the</p> <p>24 information yourself; correct?</p> <p>25 A What do you mean?</p>	<p style="text-align: right;">157</p> <p>1 A Yes.</p> <p>2 Q Did you conduct the ethics hot line</p> <p>3 investigation into complaints of race</p> <p>4 discrimination that involved Jerrick Rodriques?</p> <p>5 A No.</p> <p>6 Q Who conducted the investigation?</p> <p>7 A Related to this complaint?</p> <p>8 Q Yes.</p> <p>9 A Well, it has a few components, so it</p> <p>10 was based upon the previous investigations that</p> <p>11 were conducted.</p> <p>12 Q When you say "the previous</p> <p>13 investigations," are you talking about</p> <p>14 Mr. Kotula's investigation?</p> <p>15 A Yes.</p> <p>16 Q Mr. De La Torre's investigation?</p> <p>17 A Yes.</p> <p>18 Q You didn't conduct a separate</p> <p>19 investigation, did you?</p> <p>20 A No.</p> <p>21 Q So it would have been those two</p> <p>22 investigations. The information you provided</p> <p>23 in response to the appeal request --</p> <p>24 A Yes.</p> <p>25 Q -- are you considering that an</p>
<p style="text-align: right;">156</p> <p>1 Q Yeah. You didn't know about the</p> <p>2 docking of the pay. You didn't know about --</p> <p>3 of both of them being docked. You didn't know</p> <p>4 about Culpepper being away from his work</p> <p>5 station and being docked because of it. You</p> <p>6 didn't know the whole story yourself, did you?</p> <p>7 A No.</p> <p>8 Q You told Ms. Gray to feel free to</p> <p>9 call you if she wanted to discuss it further.</p> <p>10 Do you recall whether she contacted you about</p> <p>11 that?</p> <p>12 A I don't recall.</p> <p>13 (Whereupon a document was identified as</p> <p>14 Plaintiff's Exhibit 28.)</p> <p>15 Q These should go relatively quick</p> <p>16 because they look pretty much the same, so that</p> <p>17 should be a word of encouragement for you.</p> <p>18 This is Exhibit 28, and it is an Ethics and</p> <p>19 Compliance Reporting form. Do you see that?</p> <p>20 A Yes.</p> <p>21 Q And it is for a report number ending</p> <p>22 in 311. Do you also see that?</p> <p>23 A Yes.</p> <p>24 Q Have you seen this document before</p> <p>25 yesterday?</p>	<p style="text-align: right;">158</p> <p>1 investigation?</p> <p>2 A No. I said I didn't conduct the</p> <p>3 investigation, so no.</p> <p>4 Q So when you say that it was based on</p> <p>5 the investigation, it was based on information</p> <p>6 Mr. Kotula and Mr. De La Torre provided?</p> <p>7 A Yes.</p> <p>8 Q And so as far as you know, did</p> <p>9 anyone from corporate call and speak to anyone</p> <p>10 at Detroit about this situation, like witnesses</p> <p>11 to talk to people, to interview people, as far</p> <p>12 as you know?</p> <p>13 A At the point that this was received?</p> <p>14 Q Well, in response to it. Because</p> <p>15 you said there's a few components to the</p> <p>16 investigation of it.</p> <p>17 A No. I said there were a few</p> <p>18 components that we got information from. There</p> <p>19 were a few investigations that took place.</p> <p>20 Q Maybe it will help me if you tell me</p> <p>21 what investigations took place, because you</p> <p>22 said there were a few investigations that took</p> <p>23 place.</p> <p>24 A So this is referring to Chris</p> <p>25 Culpepper and claiming that his was time clock</p>



<p style="text-align: right;">159</p> <p>1 fraud, so that would have been -- I believe</p> <p>2 Mr. Sarsour was involved in that investigation.</p> <p>3 And then -- oh, sorry. Go ahead.</p> <p>4 Q No, no, no.</p> <p>5 MR. TUYN: Well, no. I don't think</p> <p>6 you're done with your answer.</p> <p>7 Q No, no. I do want you to answer.</p> <p>8 A Okay. So then it says Jerrick</p> <p>9 Rodriques was suspended because he punched the</p> <p>10 wrong number of hours and hasn't come back to</p> <p>11 work. So that would have been De La Torre.</p> <p>12 And then it says Fadi Beydoun was</p> <p>13 suspended for punching himself in and then</p> <p>14 going through the employee lot. I don't recall</p> <p>15 who conducted that investigation.</p> <p>16 And then it claims that I was</p> <p>17 contacted, but I was never contacted by</p> <p>18 Mr. Rodriques. So that's why I mean there are</p> <p>19 several parts to that.</p> <p>20 Q So Mr. Rodriques never contacted you</p> <p>21 to find out when he would be coming back to</p> <p>22 work?</p> <p>23 A Not that I recall, no.</p> <p>24 Q He never contacted you to ask him</p> <p>25 why he had been suspended for such a long time?</p>	<p style="text-align: right;">161</p> <p>1 one. Tell me what it looks like. Is it an</p> <p>2 automatic from the third party? Is it -- tell</p> <p>3 me what that looks like.</p> <p>4 A The original e-mail would be</p> <p>5 automated, and then I would receive it from</p> <p>6 Lisa Ali. Or would have received it from Lisa</p> <p>7 Ali, I should say.</p> <p>8 Q So Ms. Ali in her former position as</p> <p>9 general manager?</p> <p>10 A Huh-uh (negative).</p> <p>11 Q Am I wrong about that?</p> <p>12 A Coordinator.</p> <p>13 Q The general manager was the other</p> <p>14 person we just got finished talking about,</p> <p>15 Ms. LeeAustin?</p> <p>16 A Yes.</p> <p>17 Q And so Ms. Ali, she was in the EO</p> <p>18 department?</p> <p>19 A No. She's in ACS.</p> <p>20 Q And she's who would have forwarded</p> <p>21 you the actual report that came in?</p> <p>22 A Yes.</p> <p>23 Q And in her forwarding you the</p> <p>24 report, and again, I think I may have this</p> <p>25 e-mail, she would have said to you, look into</p>
<p style="text-align: right;">160</p> <p>1 A Huh-uh (negative), not that I</p> <p>2 recall.</p> <p>3 Q Would anyone other than you have</p> <p>4 responded to this, responded to corporate</p> <p>5 regarding this 311 report?</p> <p>6 A No.</p> <p>7 Q And I think you said it already.</p> <p>8 But as far as you know, no one from corporate</p> <p>9 conducted an investigation outside of you into</p> <p>10 311 at metro?</p> <p>11 A Not that I'm aware of.</p> <p>12 Q Did anyone from corporate ever send</p> <p>13 you any communication saying, hey, we talked to</p> <p>14 people down there, and did you know this?</p> <p>15 A No.</p> <p>16 Q Now, you said you had seen this</p> <p>17 before yesterday. Did you receive this at the</p> <p>18 time that you were asked to look into it?</p> <p>19 A Yes.</p> <p>20 Q Who asked you to look into it?</p> <p>21 A Well, it comes in e-mail, and it's a</p> <p>22 given to look into it. So I don't think anyone</p> <p>23 specifically told me.</p> <p>24 Q The e-mail that it comes in, tell me</p> <p>25 about that e-mail. I may actually have that</p>	<p style="text-align: right;">162</p> <p>1 this and let us know what's going on?</p> <p>2 A I don't know that she would have</p> <p>3 said anything. It might have just been a</p> <p>4 forward, or it might have said, for your</p> <p>5 investigation. I don't know. Sometimes it</p> <p>6 says different things. But she would have just</p> <p>7 forwarded it to me, and I'd know what to do</p> <p>8 with it.</p> <p>9 Q So when you received this report</p> <p>10 311, it indicates that Mr. Domingo is the</p> <p>11 person that is being accused, correct, because</p> <p>12 it says who. So it indicates that Mr. Domingo</p> <p>13 is who was being accused; correct?</p> <p>14 A I don't see that.</p> <p>15 Q Under Who, it says, "Caller, name</p> <p>16 declined, reported Unknown Domingo"?</p> <p>17 A Oh, yes. I see that. Thank you.</p> <p>18 Q Oh, you're welcome. I don't mind.</p> <p>19 And you understood that Domingo to be Domingo</p> <p>20 De La Torre; correct?</p> <p>21 A Yes.</p> <p>22 Q When you received this report, did</p> <p>23 you look into the reason why Mr. Rodriques's</p> <p>24 suspension was for such a long period of time?</p> <p>25 A I did not look into it, no. I was</p>

<p style="text-align: right;">163</p> <p>1 aware.</p> <p>2 Q Why was it such a long period of</p> <p>3 time?</p> <p>4 A Part of the reason was the review</p> <p>5 process. The other part was, unfortunately,</p> <p>6 his suspension was over the holidays, and we</p> <p>7 have a practice of not communicating</p> <p>8 terminations during that period.</p> <p>9 Q What is that period? When you say</p> <p>10 "that period," from when to when?</p> <p>11 A It's a little different every year,</p> <p>12 so I don't know when it was at this point. But</p> <p>13 typically it's the week before Christmas</p> <p>14 through New Year's.</p> <p>15 Q And so you would have been aware</p> <p>16 based on the statements of the caller, and I</p> <p>17 think this one may have actually been</p> <p>18 Mr. Rodriques, I don't have the number with me,</p> <p>19 but I think this one was him, that based on the</p> <p>20 anonymous call, that obvious discriminatory</p> <p>21 practices -- the person felt that there were</p> <p>22 obvious discriminatory practices happening in</p> <p>23 Detroit.</p> <p>24 So you knew that this was a</p> <p>25 discrimination complaint; correct?</p>	<p style="text-align: right;">165</p> <p>1 when they were produced to me, and that will</p> <p>2 help us get through the pile, each report had</p> <p>3 one of these compliance call reports behind</p> <p>4 it. So you would have just created a template</p> <p>5 and then used it in response to each call?</p> <p>6 A Yes.</p> <p>7 Q And so any other communication where</p> <p>8 you discuss a template, Exhibit 29 and the</p> <p>9 other exhibits which we'll mark shortly are</p> <p>10 what you would have been referring to?</p> <p>11 A Referring to a template, I would</p> <p>12 call this a template, yes.</p> <p>13 Q Because I'm specifically asking --</p> <p>14 let me show you why I'm asking.</p> <p>15 (Whereupon a document was identified as</p> <p>16 Plaintiff's Exhibit 30.)</p> <p>17 Q I've handed you Exhibit 30, and it</p> <p>18 is an e-mail from Sheandra Clark to Deborah</p> <p>19 Kircher cc'ing Gail Perdue. Do you see that?</p> <p>20 A Yes.</p> <p>21 Q Now, if you look down -- and it's</p> <p>22 dated February 11th of 2013. If you look down</p> <p>23 to the bottom, you're going to see where it</p> <p>24 says, February 4th of 2013. It's an e-mail</p> <p>25 from you to Ms. Kircher. And you say,</p>
<p style="text-align: right;">164</p> <p>1 A Yes.</p> <p>2 (Whereupon a document was identified as</p> <p>3 Plaintiff's Exhibit 29.)</p> <p>4 Q Exhibit 29. Now, Exhibit 29 is</p> <p>5 entitled ACS/CGO Compliance Call Report. Do</p> <p>6 you see that?</p> <p>7 A Yes.</p> <p>8 Q Have you seen this document before?</p> <p>9 A Yes.</p> <p>10 Q Now, I need to ask you about this</p> <p>11 document. When they were produced to me,</p> <p>12 you'll see that Exhibit 28 is right in front of</p> <p>13 what was marked as Exhibit 29. Do these two</p> <p>14 documents go together? Like when you see them,</p> <p>15 when you have them, when you receive</p> <p>16 Exhibit 28, would Exhibit 29 be the response to</p> <p>17 it? Do they go together?</p> <p>18 A Exhibit 29 would be the response to</p> <p>19 the compliance calls, yes.</p> <p>20 Q Do you do one of these for each</p> <p>21 call? And when I say "these," I mean</p> <p>22 Exhibit 29.</p> <p>23 A I do a template to respond to every</p> <p>24 compliance call, yes.</p> <p>25 Q So that makes sense to me, because</p>	<p style="text-align: right;">166</p> <p>1 "Attached is the template completed for the six</p> <p>2 compliance calls."</p> <p>3 So when you say "template" in this</p> <p>4 e-mail, is Exhibit 29 what you would have been</p> <p>5 talking about?</p> <p>6 A Yes.</p> <p>7 Q And so Exhibit 29 you created as a</p> <p>8 template for responding to the compliance calls</p> <p>9 that had come in that involved Mr. Rodriques?</p> <p>10 A Yes.</p> <p>11 Q Who is Ms. Sheandra Clark?</p> <p>12 A She's one of our attorneys.</p> <p>13 Q And is she the attorney, if you</p> <p>14 know, who is responsible for the ethics and</p> <p>15 compliance hot line reporting?</p> <p>16 A Yes. That's my understanding.</p> <p>17 Q And who is Deborah Kircher?</p> <p>18 A At the time, Deb Kircher would have</p> <p>19 been a peer of mine.</p> <p>20 Q And when you say "a peer," tell me</p> <p>21 what position did she hold.</p> <p>22 A She would have also been an HR</p> <p>23 generalist/manager.</p> <p>24 Q In what location?</p> <p>25 A She was physically located in</p>

<p style="text-align: right;">167</p> <p>1 Cincinnati.</p> <p>2 Q And she would have held that</p> <p>3 position as of February 2013?</p> <p>4 A Yes.</p> <p>5 Q So why would you have been sending</p> <p>6 the template to Ms. Kircher?</p> <p>7 A Deb had the responsibility for our</p> <p>8 HR team to track and ensure the compliance</p> <p>9 calls were complete in a timely fashion. So</p> <p>10 they filtered to her and then to Sheandra for</p> <p>11 review and closure.</p> <p>12 Q So it was Ms. Kircher's</p> <p>13 responsibility to make sure that, at least for</p> <p>14 your team -- and when you say your team, is it</p> <p>15 separated demographically or geographically?</p> <p>16 A It's separated by division.</p> <p>17 Q And at least for the division that</p> <p>18 included Detroit, it would also obviously</p> <p>19 include Cincinnati; correct?</p> <p>20 A Yes.</p> <p>21 Q And for that division, Ms. Kircher</p> <p>22 had the responsibility of making sure that the</p> <p>23 compliance calls were responded to timely?</p> <p>24 A Yes.</p> <p>25 Q What is considered a timely response</p>	<p style="text-align: right;">169</p> <p>1 A No.</p> <p>2 Q Do you know what would happen after</p> <p>3 it would get to Ms. Clark, the response? Do</p> <p>4 you know what happens after it gets to</p> <p>5 Ms. Clark?</p> <p>6 A What do you mean, what happens?</p> <p>7 Q Yeah. Does she meet with a</p> <p>8 committee? Does she just review it and make a</p> <p>9 decision? Do you know any of that?</p> <p>10 A I can't speak to that.</p> <p>11 Q Good. It's okay. And then she</p> <p>12 indicates in Exhibit 30, Ms. Kircher, that she</p> <p>13 had conferenced with you and Tyesha in January</p> <p>14 about those calls. Can you tell me about this</p> <p>15 conference?</p> <p>16 A I can't tell you about the details.</p> <p>17 I remember it occurring. And it typically</p> <p>18 would occur based upon the number of calls.</p> <p>19 Q Explain that a little bit more for</p> <p>20 me. So is it because it was so many calls?</p> <p>21 A I think in this particular case, you</p> <p>22 know, it was six calls about the same topic. I</p> <p>23 believe Sheandra requested the call, if I</p> <p>24 remember correctly, to say where are we at,</p> <p>25 what's going on, and Tyesha would have been</p>
<p style="text-align: right;">168</p> <p>1 to those calls?</p> <p>2 A I believe at the time the guideline</p> <p>3 was 45 days.</p> <p>4 Q Within 45 days of the call coming</p> <p>5 in?</p> <p>6 A Correct.</p> <p>7 Q And then you said, now, did she</p> <p>8 have -- did Ms. Kircher have any other</p> <p>9 responsibility other than making sure it was on</p> <p>10 time?</p> <p>11 A No, not that I recall.</p> <p>12 Q I guess what I'm asking even more</p> <p>13 specifically is, did she review your work to</p> <p>14 make sure that the investigation was complete</p> <p>15 or she -- did she have any of those kind of</p> <p>16 responsibilities?</p> <p>17 A She would read it and make sure she</p> <p>18 understood it, but I don't know that she was</p> <p>19 really auditing the investigation. Right?</p> <p>20 She -- that wasn't her role.</p> <p>21 Q And then you said it filtered</p> <p>22 through her and then went to Ms. Clark?</p> <p>23 A Correct.</p> <p>24 Q Was there anybody between her and</p> <p>25 Ms. Clark who it went to?</p>	<p style="text-align: right;">170</p> <p>1 involved because she was my leader.</p> <p>2 Q Was it unusual, as far as you know,</p> <p>3 to receive six calls about the same topic?</p> <p>4 A Unusual? It's happened before.</p> <p>5 Q How many times? More than five?</p> <p>6 A For me?</p> <p>7 Q Yeah. More than five?</p> <p>8 A No, probably not.</p> <p>9 Q And you said that you remember the</p> <p>10 conference happening, but you can't remember</p> <p>11 what the substance of the conference was?</p> <p>12 A Right. I remember talking about the</p> <p>13 calls. But the detailed conversation, I don't</p> <p>14 recall.</p> <p>15 Q And then Ms. Kircher also requested</p> <p>16 from Ms. Clark permission to close the file.</p> <p>17 Was that the standard process? You would send</p> <p>18 it to her, and she would request the close from</p> <p>19 Ms. Kircher?</p> <p>20 A From Ms. Clark?</p> <p>21 Q I'm sorry.</p> <p>22 A Yes.</p> <p>23 Q Ms. Clark.</p> <p>24 A Yes.</p> <p>25 Q That's the standard process?</p>

<p style="text-align: right;">171</p> <p>1 A Yes.</p> <p>2 Q So you would not be the one who</p> <p>3 actually requested the close of the file?</p> <p>4 A Well, no. I would request it, but</p> <p>5 it would filter through Deb to get to Sheandra.</p> <p>6 Q So at some point, you said to</p> <p>7 Deborah, and here's what we got and can we</p> <p>8 close it, and so she would go from there and go</p> <p>9 to Ms. Clark and say here's what we've got and</p> <p>10 can we close it?</p> <p>11 A Yes.</p> <p>12 Q Did anyone come back and ask you</p> <p>13 questions as to why, according to Exhibit 29,</p> <p>14 you did not interview anyone about the call?</p> <p>15 A No.</p> <p>16 Q Did you ever ask Mr. De La Torre if</p> <p>17 he discriminated against Mr. Rodriques in the</p> <p>18 treatment?</p> <p>19 A Did I ask him that specific</p> <p>20 question? No.</p> <p>21 Q Did you ask Mr. Kotula whether he</p> <p>22 discriminated against Mr. Rodriques in handling</p> <p>23 this matter?</p> <p>24 A No.</p> <p>25 Q Did you ask Mr. Sarsour whether he</p>	<p style="text-align: right;">173</p> <p>1 A No.</p> <p>2 MS. BROCK: Can you read back her</p> <p>3 response to me as to why she did not ask them</p> <p>4 any of those questions?</p> <p>5 (Whereupon off-the-record discussions</p> <p>6 ensued.)</p> <p>7 (Whereupon the court reporter read back</p> <p>8 the referred-to portion as follows:)</p> <p>9 Q Why not? Why didn't you ask any of</p> <p>10 those questions?</p> <p>11 A I didn't ask them because the</p> <p>12 circumstances of the situation were different</p> <p>13 enough.</p> <p>14 (Whereupon the reading back was</p> <p>15 concluded.)</p> <p>16 Q And those were the circumstances as</p> <p>17 you knew it on that day; correct?</p> <p>18 A Yes.</p> <p>19 Q Sitting here today, do you know why</p> <p>20 Mr. Culpepper was not terminated in response to</p> <p>21 the November 2012 incidents, with an S?</p> <p>22 A When you say the November 12th,</p> <p>23 you're referring --</p> <p>24 Q November 2012. I'm sorry.</p> <p>25 A November 2012, you're referring to</p>
<p style="text-align: right;">172</p> <p>1 discriminated against Mr. Rodriques in handling</p> <p>2 this matter?</p> <p>3 A No.</p> <p>4 Q Did you ask Mr. De La Torre whether</p> <p>5 Mr. Conover or Mr. Culpepper had been treated</p> <p>6 differently because of their race?</p> <p>7 A No.</p> <p>8 Q Did you ask Mr. Sarsour whether</p> <p>9 Mr. Conover or Mr. Culpepper were treated</p> <p>10 differently because of their races?</p> <p>11 A No.</p> <p>12 Q Why not? Why didn't you ask any of</p> <p>13 those questions?</p> <p>14 A I didn't ask them because the</p> <p>15 circumstances of the situation were different</p> <p>16 enough.</p> <p>17 Q As you knew them on that day?</p> <p>18 A As I knew them on that day, that</p> <p>19 race was not a factor.</p> <p>20 Q Do you think, had you asked about</p> <p>21 what happened with Mr. Culpepper, somebody</p> <p>22 would have told you that we docked his pay?</p> <p>23 A I don't know.</p> <p>24 Q They wouldn't lie to you, out and</p> <p>25 out lie to you, would they?</p>	<p style="text-align: right;">174</p> <p>1 him providing authorization to Mr. Conover?</p> <p>2 Q And to his being missing for part of</p> <p>3 his shift on that same day.</p> <p>4 A That was -- well, we've established</p> <p>5 I wasn't aware of that.</p> <p>6 Q I understand.</p> <p>7 A So based upon what I knew at the</p> <p>8 time, he wasn't terminated because the offense</p> <p>9 and what he violated was not a terminable</p> <p>10 offense.</p> <p>11 Q Right. But my question was:</p> <p>12 Sitting here today, do you know why he wasn't</p> <p>13 terminated in response to those incidents?</p> <p>14 A Well, the answer would be the same.</p> <p>15 Q I just need you to say it.</p> <p>16 A Yeah.</p> <p>17 Q It's okay.</p> <p>18 A Okay. Yeah, the answer would be the</p> <p>19 same in that, based upon the findings of the</p> <p>20 investigation, it was not terminable.</p> <p>21 Q On your template, you indicate where</p> <p>22 it says attach all statements, you say all</p> <p>23 attachments were previously sent. Are you</p> <p>24 referring to the RFT file?</p> <p>25 A I can't speak to what I was</p>




<p style="text-align: right;">175</p> <p>1 referring to. Attach all statements, I don't</p> <p>2 recall what, when I say previously sent, what</p> <p>3 that would have meant.</p> <p>4 Q But you didn't obtain any documents</p> <p>5 outside of the RFT file; correct?</p> <p>6 A Correct.</p> <p>7 Q And there's where you requested</p> <p>8 closure; correct?</p> <p>9 A Yes.</p> <p>10 (Whereupon a document was identified as</p> <p>11 Plaintiff's Exhibit 31.)</p> <p>12 Q Exhibit 31 is Ethics and Compliance</p> <p>13 Reporting number ending in 660. Do you see</p> <p>14 that?</p> <p>15 A Yes.</p> <p>16 Q This call came in on January 3rd of</p> <p>17 2013. And in this call, it also indicates that</p> <p>18 Mr. Domingo is the reported person; correct?</p> <p>19 A Yes.</p> <p>20 Q And this complaint also references</p> <p>21 the Conover-Culpepper incident; correct?</p> <p>22 A Yes.</p> <p>23 Q And it mentions Mr. Rodriques and</p> <p>24 Mr. -- I believe his last name is Beydoun.</p> <p>25 A Yes.</p>	<p style="text-align: right;">177</p> <p>1 the discipline.</p> <p>2 MS. BROCK: -- we're specifically</p> <p>3 talking about in response to this complaint.</p> <p>4 This is a race discrimination complaint that</p> <p>5 was made to the hot line. And there were two</p> <p>6 now we're talking about. We're talking about</p> <p>7 report ending in 311 and report ending in 660,</p> <p>8 was there an investigation into this complaint.</p> <p>9 She said she looked into it. She</p> <p>10 said she didn't investigate it. And to the</p> <p>11 best of her knowledge, nor about anyone else.</p> <p>12 (Whereupon a document was identified as</p> <p>13 Plaintiff's Exhibit 32.)</p> <p>14 Q You've been handed Exhibit 22, and</p> <p>15 it is --</p> <p>16 A I'm sorry. It says 32.</p> <p>17 Q Oh. 32. I am so sorry, Ms. Franz.</p> <p>18 I am sorry. Exhibit 32. And it is your</p> <p>19 template for responding to the hot line calls;</p> <p>20 correct?</p> <p>21 A Yes.</p> <p>22 Q And you would have filed this very</p> <p>23 same template in response to call ending in</p> <p>24 660; correct?</p> <p>25 A Yes.</p>
<p style="text-align: right;">176</p> <p>1 Q Correct? Did you open up any sort</p> <p>2 of separate investigation for each of these</p> <p>3 calls that came through?</p> <p>4 A No.</p> <p>5 Q And you do recall receiving this</p> <p>6 particular reporting form; correct?</p> <p>7 A Yes.</p> <p>8 Q And you were asked to conduct the</p> <p>9 investigation as to this form; correct?</p> <p>10 A No. I would have been asked to look</p> <p>11 into it, not specifically to conduct an</p> <p>12 investigation.</p> <p>13 Q Very good distinction.</p> <p>14 A But yes.</p> <p>15 Q So what you did was not an</p> <p>16 investigation in fact. You just looked into</p> <p>17 the complaints that were here?</p> <p>18 A Correct.</p> <p>19 Q And to the best of your knowledge,</p> <p>20 did anyone else conduct an investigation?</p> <p>21 A Not to my knowledge, no.</p> <p>22 MR. TUYN: Other than the</p> <p>23 investigations that had already been conducted.</p> <p>24 MS. BROCK: Counsel --</p> <p>25 MR. TUYN: The determinations for</p>	<p style="text-align: right;">178</p> <p>1 (Whereupon a document was identified as</p> <p>2 Plaintiff's Exhibit 33.)</p> <p>3 Q Exhibit 33 is hot line report ending</p> <p>4 in the numbers 716. Do you see that?</p> <p>5 A Yes.</p> <p>6 Q And this was a complaint made on</p> <p>7 January 8th of 2013 at 6:08 p.m. Do you see</p> <p>8 that?</p> <p>9 A Yes.</p> <p>10 Q And this particular complaint</p> <p>11 doesn't reference Mr. De La Torre, but it does</p> <p>12 reference Mr. Rodriques and Mr. Fadi Beydoun;</p> <p>13 correct?</p> <p>14 A Yes.</p> <p>15 Q And it also indicates that the</p> <p>16 Caucasian employees were treated differently?</p> <p>17 A Yes.</p> <p>18 Q And it also indicates that the</p> <p>19 caller feels that there is an issue of</p> <p>20 discrimination involved here?</p> <p>21 A Yes.</p> <p>22 Q And you did receive report number</p> <p>23 716 so that you could look into it; correct?</p> <p>24 A Yes.</p> <p>25 Q And you did in fact look into it;</p>



<p style="text-align: right;">179</p> <p>1 correct?</p> <p>2 A Yes.</p> <p>3 Q Now, I didn't hand you your template</p> <p>4 in response to report number 716, but is it</p> <p>5 true that you would have provided the same</p> <p>6 template that we've been talking about here</p> <p>7 today in response to complaint number 716?</p> <p>8 A Yes.</p> <p>9 (Whereupon a document was identified as</p> <p>10 Plaintiff's Exhibit 34.)</p> <p>11 Q Exhibit 34, you've been handed, is</p> <p>12 compliance report number ending in 159,</p> <p>13 reported on January 9th of 2013 at 4:40 p.m.</p> <p>14 Do you see that?</p> <p>15 A Yes.</p> <p>16 Q And did you receive complaint number</p> <p>17 159 to conduct so that you can look into it?</p> <p>18 A Yes.</p> <p>19 Q And did you in fact look into it?</p> <p>20 A Yes.</p> <p>21 Q And you were aware that this was</p> <p>22 another race discrimination complaint; correct?</p> <p>23 A Yes.</p> <p>24 (Whereupon a document was identified as</p> <p>25 Plaintiff's Exhibit 35.)</p>	<p style="text-align: right;">181</p> <p>1 Compliance Reporting document ending in 421 to</p> <p>2 look into it?</p> <p>3 A Yes.</p> <p>4 Q And did you in fact look into it?</p> <p>5 A Yes.</p> <p>6 Q And you were aware that this was yet</p> <p>7 another complaint of race discrimination?</p> <p>8 A Yes.</p> <p>9 (Whereupon a document was identified as</p> <p>10 Plaintiff's Exhibit 37.)</p> <p>11 Q Exhibit 37 you've been handed is yet</p> <p>12 another copy of your template. And please</p> <p>13 understand, I keep giving them to you because</p> <p>14 when they were produced to me they were</p> <p>15 produced behind each of your reports or each of</p> <p>16 the compliance hot line reports. And so I just</p> <p>17 have to confirm that this was in response to</p> <p>18 that report. Okay?</p> <p>19 So the template that you have is</p> <p>20 Exhibit 37. It would be the same template that</p> <p>21 we've been speaking of here today; correct?</p> <p>22 A Yes.</p> <p>23 Q And this template would have been</p> <p>24 filed in response to the complaint ending in</p> <p>25 421; correct?</p>
<p style="text-align: right;">180</p> <p>1 Q Exhibit 35 is another copy of your</p> <p>2 template. Am I correct that you would have</p> <p>3 provided this template in response to complaint</p> <p>4 number 159?</p> <p>5 A Yes.</p> <p>6 Q And when I say "template," all of</p> <p>7 the information in your templates were the</p> <p>8 same; correct?</p> <p>9 A Yes.</p> <p>10 Q And you obtained all of that</p> <p>11 information in the same way; correct?</p> <p>12 A Yes.</p> <p>13 Q So I guess what I'm asking is that</p> <p>14 you didn't do something for number 311 that you</p> <p>15 didn't do for number 159 or vice versa?</p> <p>16 A No.</p> <p>17 (Whereupon a document was identified as</p> <p>18 Plaintiff's Exhibit 36.)</p> <p>19 Q You've been handed Exhibit 36.</p> <p>20 Exhibit 36 is an Ethics and Compliance</p> <p>21 Reporting ending in the numbers 421, and it was</p> <p>22 reported on January 9th of 2013 at 9:47 p.m.</p> <p>23 Do you see that?</p> <p>24 A Yes.</p> <p>25 Q Now, did you receive this Ethics and</p>	<p style="text-align: right;">182</p> <p>1 A Yes.</p> <p>2 (Whereupon a document was identified as</p> <p>3 Plaintiff's Exhibit 38.)</p> <p>4 Q Ms. Franz, Exhibit 38 is an Ethics</p> <p>5 and Compliance Reporting dated January 31st of</p> <p>6 2013. Report was made at 2:29 p.m. Do you see</p> <p>7 that?</p> <p>8 A Yes.</p> <p>9 Q The report number ends in the</p> <p>10 numbers 995. Am I correct?</p> <p>11 A Yes.</p> <p>12 Q And did you receive this particular</p> <p>13 report so that you could look into it; correct?</p> <p>14 A Yes.</p> <p>15 Q And did you in fact look into it?</p> <p>16 A Yes.</p> <p>17 Q And you were aware that this was yet</p> <p>18 another complaint of race discrimination;</p> <p>19 correct?</p> <p>20 A Yes.</p> <p>21 (Whereupon a document was identified as</p> <p>22 Plaintiff's Exhibit 39.)</p> <p>23 Q Ms. Franz, Exhibit 39 is your</p> <p>24 template. Would you have filed the same</p> <p>25 template in response to your compliance report</p>

<p style="text-align: right;">183</p> <p>1 ending in 995?</p> <p>2 A Yes.</p> <p>3 Q And again for all of these</p> <p>4 templates, you didn't do anything different for</p> <p>5 this template as you did for any of the other</p> <p>6 responded templates; correct?</p> <p>7 A Correct.</p> <p>8 MS. BROCK: I have no other</p> <p>9 questions.</p> <p>10 MR. TUYN: I have just a couple.</p> <p>11 EXAMINATION</p> <p>12 BY MR. TUYN:</p> <p>13 Q Ms. Franz, with respect to your</p> <p>14 involvement in reviewing the request for</p> <p>15 termination that Mr. De La Torre gave you for</p> <p>16 Jerrick Rodriques and the six hot line</p> <p>17 complaints that mentioned Mr. Rodriques in any</p> <p>18 way, did you become aware of any evidence that</p> <p>19 Mr. Rodriques was being discriminated against</p> <p>20 based on his race?</p> <p>21 A No.</p> <p>22 Q Did you become aware of any evidence</p> <p>23 that he was being retaliated against based on</p> <p>24 either his race or his engagement in any</p> <p>25 protected activity including raising claims of</p>	<p style="text-align: right;">185</p> <p>1 specific questions about the hot line</p> <p>2 complaints?</p> <p>3 A At the time the hot line complaints</p> <p>4 came in, no. I already had the information</p> <p>5 from the previous.</p> <p>6 Q From the previous investigations --</p> <p>7 A Correct.</p> <p>8 Q -- done by the other people?</p> <p>9 A Correct.</p> <p>10 Q Were those previous investigations</p> <p>11 into race discrimination?</p> <p>12 A No.</p> <p>13 Q So in your looking into the six</p> <p>14 hot line calls for race discrimination, did you</p> <p>15 ask any specific questions about those calls?</p> <p>16 A No.</p> <p>17 Q And as far as Ms. Gray, did</p> <p>18 Ms. Gray, I understand she's African-American,</p> <p>19 did she investigate anything dealing with</p> <p>20 Mr. Rodriques to the best of your knowledge?</p> <p>21 A I don't know. There was the one</p> <p>22 phone call, but I don't know if she</p> <p>23 specifically spoke to him. That would have</p> <p>24 been Ms. Austin. She's also African-American.</p> <p>25 So I don't -- I don't know what those</p>
<p style="text-align: right;">184</p> <p>1 race discrimination in the hot line complaints?</p> <p>2 A No.</p> <p>3 Q Did you discriminate or retaliate</p> <p>4 against Mr. Rodriques based on his race or his</p> <p>5 engagement in any protected activity including</p> <p>6 the hot line complaints?</p> <p>7 A No.</p> <p>8 Q Who did you say your boss was at the</p> <p>9 time?</p> <p>10 A Tyesha Gray.</p> <p>11 Q And do you know what her race is?</p> <p>12 A She is African-American.</p> <p>13 Q And you indicated that Sheandra</p> <p>14 Clark was the Delta in-house attorney that was</p> <p>15 overseeing the ethics and compliance hot line?</p> <p>16 A That's correct.</p> <p>17 Q Do you know her race?</p> <p>18 A She is African-American.</p> <p>19 MR. TUYN: That's all I have.</p> <p>20 MS. BROCK: I just have a few</p> <p>21 follow-up.</p> <p>22 RE-EXAMINATION</p> <p>23 BY MS. BROCK:</p> <p>24 Q Ms. Franz, in your looking into the</p> <p>25 six hot line calls, did you ask anyone any</p>	<p style="text-align: right;">186</p> <p>1 conversations were, if any.</p> <p>2 Q So let me ask it this way. Did she</p> <p>3 contact -- did Ms. Gray contact anyone, to your</p> <p>4 knowledge, at the Detroit location to inquire</p> <p>5 into Mr. Rodriques's situation --</p> <p>6 A Not --</p> <p>7 Q -- other than you?</p> <p>8 A Not to my knowledge, no.</p> <p>9 Q Other than you? I mean, I'm sure</p> <p>10 she was e-mailing back and forth with you;</p> <p>11 correct?</p> <p>12 A No. I mean, we wouldn't have</p> <p>13 exchanged e-mails, I don't believe.</p> <p>14 Q Oh. So she --</p> <p>15 A Other than the one that had the</p> <p>16 phone call in it from Ms. Austin, but.</p> <p>17 Q So any information Ms. Gray had</p> <p>18 would have only been the information you</p> <p>19 provided; correct?</p> <p>20 A To my knowledge.</p> <p>21 Q And the same thing with Ms. Austin.</p> <p>22 Did Ms. Austin conduct a separate investigation</p> <p>23 into any of Mr. Rodriques's allegations?</p> <p>24 A Not to my knowledge.</p> <p>25 Q I understand that she's</p>

<p style="text-align: right;">187</p> <p>1 African-American. So any information that she</p> <p>2 would have had would have been, to the best of</p> <p>3 your knowledge, the information you gave her;</p> <p>4 correct?</p> <p>5 A Or the information that she received</p> <p>6 from Mr. Rodriques in that call.</p> <p>7 Q And outside of that, she had no</p> <p>8 additional information, to the best of your</p> <p>9 knowledge?</p> <p>10 A To the best of my knowledge.</p> <p>11 Q Yeah. And we talked about Ms. Gray,</p> <p>12 Ms. Austin, and Ms. Clark. Same thing with</p> <p>13 Ms. Clark. Did Ms. Clark conduct any sort of</p> <p>14 independent investigation into Mr. Rodriques's</p> <p>15 complaints, to the best of your knowledge?</p> <p>16 A Not to the best of my knowledge, no.</p> <p>17 Q Did she ever contact you or have the</p> <p>18 individual who, I'm blanking on it right now,</p> <p>19 who's in Cincinnati call you and say, hey, I</p> <p>20 was looking into this, and I found some</p> <p>21 additional information?</p> <p>22 A No. The only conversation we would</p> <p>23 have had was that January conversation. And I</p> <p>24 don't recall the specifics, but Ms. Clark</p> <p>25 certainly would have asked me some questions</p>	<p style="text-align: right;">189</p> <p>1 CERTIFICATE OF COURT REPORTER</p> <p>2 STATE OF GEORGIA</p> <p>3 COUNTY OF COBB</p> <p>4 I hereby certify that the foregoing</p> <p>5 deposition was reported as stated in the</p> <p>6 caption, and the questions and answers thereto</p> <p>7 were reduced to writing by me;</p> <p>8 That the witness's right to read and</p> <p>9 sign the deposition was waived;</p> <p>10 That the foregoing pages 1 through 190</p> <p>11 represent a true, correct, and complete</p> <p>12 transcript of the evidence given on the</p> <p>13 above-referenced date by the witness, BARBARA</p> <p>14 A. FRANZ, who was first duly sworn by me;</p> <p>15 That I am not of kin or counsel to any</p> <p>16 of the attorneys or parties in this case.</p> <p>17 I do hereby disclose pursuant to</p> <p>18 Article 10.B. of the Rules and Regulations of</p> <p>19 the Board of Court Reporting of the Judicial</p> <p>20 Council of Georgia that I am a Georgia</p> <p>21 Certified Court Reporter; that I am an employee</p> <p>22 of Donovan Reporting PC; that Donovan</p> <p>23 Reporting PC was contacted by the attorney</p> <p>24 taking the deposition to provide court</p> <p>25 reporting services for this deposition; that I</p>
<p style="text-align: right;">188</p> <p>1 regarding, you know, where we were with the</p> <p>2 investigation, but.</p> <p>3 Q And so any information Ms. Clark,</p> <p>4 who I understand is an African-American, would</p> <p>5 have received was the information you gave her</p> <p>6 as far as you know?</p> <p>7 A Correct, or the compliance calls.</p> <p>8 Q So it was what was in the complaints</p> <p>9 themselves, the six complaints, or what you</p> <p>10 told her in response to those complaints?</p> <p>11 A Correct.</p> <p>12 MS. BROCK: I have no other</p> <p>13 questions.</p> <p>14 MR. TUYN: I don't have anything</p> <p>15 further.</p> <p>16 THE COURT REPORTER: Is she going to</p> <p>17 reserve signature?</p> <p>18 MR. TUYN: She doesn't have to sign.</p> <p>19 THE COURT REPORTER: She does not</p> <p>20 have to sign.</p> <p>21 MS. BROCK: No, no, she doesn't.</p> <p>22 THE COURT REPORTER: All right.</p> <p>23 (Proceedings adjourned, 1:44 p.m.)</p> <p>24</p> <p>25</p>	<p style="text-align: right;">190</p> <p>1 am not taking this deposition under any</p> <p>2 contract that is prohibited by OCGA 15-14-37(a)</p> <p>3 and (b) or Article 7.C. of the Rules and</p> <p>4 Regulations of the Board; and I am not</p> <p>5 disqualified for a relationship of interest</p> <p>6 under OCGA 9-11-28(c).</p> <p>7 There is no contract to provide</p> <p>8 reporting services between myself or any person</p> <p>9 with whom I have a principal and agency</p> <p>10 relationship nor any attorney at law in this</p> <p>11 action, party to this action, party having a</p> <p>12 financial interest in this action, or agent for</p> <p>13 an attorney at law in this action, party to</p> <p>14 this action, or party having a financial</p> <p>15 interest in this action. Any and all financial</p> <p>16 arrangements beyond my usual and customary</p> <p>17 rates have been disclosed and offered to all</p> <p>18 parties.</p> <p>19 This 29th day of December, 2014.</p> <p>20</p> <p>21 </p> <p>22 JOEL P. MOYER, CCR 2745</p> <p>23 Certified Court Reporter</p> <p>24</p> <p>25</p>

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